

DEMOCRATIC CONSOLIDATION IN GHANA

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By

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ABSTRACT

This thesis presents an analysis of the extent of democratic consolidation in Ghana by examining the role of state institutions, the institutionalization of the political parties and the de facto two-party system, as well as civil society and interest groups. It addresses the following specific questions. What has been the role of state institutions in the democratic consolidation process? To what extent have the political parties and the de facto two-party system been institutionalized and what has been their contribution in the democratic consolidation process? How vibrant are civil society and interest groups and what has been their contribution in the democratic consolidation process? What are the challenges and constraints faced by state institutions, the institutionalized political parties and party system, as well as civil society and interest groups in contributing to the democratic consolidation process? What measures should be adopted to deal with these challenges and constraints? Focusing on the July 2012 presidential succession and the December 2012 general elections as case studies, the analysis in this thesis demonstrates that state institutions such as the Executive, Parliament, the Judiciary, the Electoral Commission and the Commission on Human Rights and Administrative Justice, as well as an institutionalized political parties and party system and civil society and interest groups have made some contribution in the democratic consolidation process. However, the analysis also demonstrates that there are a few challenges and constraints that need to be addressed before Ghana can be considered a consolidated democracy.

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LIST OF ACRONYMS

ACP	Action Congress Party
AFRC	Armed Forces Revolutionary Council
APRP	All People's Republican Party
ARPS	Aborigine's Right Protection Society
ARPB	Association of Recognized Professional Bodies
AU	African Union
BNI	Bureau of National Investigations
CDD	Centre for Democratic Development
CEPS	Custom Excise and Preventive Service
CIC	Constitution Implementation Committee
CHRAJ	Commission for Human Rights and Administrative Justice
CODEO	Coalition of Domestic Election Observers
CP	Construction Pioneers
CPP	Convention People's Party
CRC	Constitution Review Commission
DACF	District Assembly Common Fund
DPP	Democratic People's Party
EAGLE	Every Ghanaian Living Everywhere
ECOWAS	Economic Community of the West African States
EU	European Union

GETFund	Ghana Education Trust Fund
GIPC	Ghana Investment Promotion Center
GYEEDA	Ghana Youth Employment and Entrepreneurial Development Authority
ICBs	Independent Constitutional and Other Bodies
IDEG	Institute of Democratic Governance
IEA	Institute of Economic Affairs
IGP	Inspector General of Police
IPAC	Inter-Party Advisory Committee
MDC	Movement for Democratic Change
MMDA	Ministries, Departments and Agencies
MP	Member of Parliament
NAL	National Alliance of the Liberals
NCP	National Convention Party
NDC	National Democratic Congress
NHIF	National Health Insurance Fund
NHIS	National Health Insurance Scheme
NIP	National Independent Party
NLC	National Liberation Council
NPP	New Patriotic Party
NRC	National Redemption Council
NRP	National Reform Party

NYEP	National Youth Employment Program
PAC	Public Accounts Committee
PAP	People’s Action Party
PCP	People’s Convention Party
PFP	Popular Front Party
PNDC	Provisional National Defense Council
PNC	People’s National Convention
PNP	People's National Party
PP	People’s Party
PP	Progress Party
PVT	Parallel Vote Tabulation
SADA	Savannah Accelerated Development Authority
SAP	Structural Adjustment Program
SDP	Social Democratic Party
SFP	School Feeding Program
SMC	Supreme Military Council
SSA	Sub-Saharan Africa
TEIN	Tertiary Institutions Network of the NDC
TESCON	Tertiary Students’ Confederacy of the NPP
TFP	Third Force Party
TUC	Trades Union Congress

UGCC	United Gold Coast Convention
UGM	United Ghana Movement
UP	United Party
VP	Vanguard Party
ZANU-PF	Zimbabwean African National Union- Patriotic Front

CHAPTER ONE

GENERAL INTRODUCTION

1.0 INTRODUCTION

In the early 1990s, many Sub-Saharan African (SSA) countries made transitions to democratic rule during the period described by Huntington (1991) as the *third wave of democratization*. During this period, democracy spread across Eastern European countries following the disintegration of the Soviet Union. As a result of the third wave of democratization, Francis Fukuyama declared in 1989 that with the end of the cold war and the triumph of liberal democracy over communism, the world had reached the end of history. There was a great optimism that with the right kind of support from the western world, the rest of the world would eventually make the transition away from authoritarian regimes. Once democratic transition is complete, these new democracies with the support of the international community would stabilize, ultimately consolidating and mirroring the western democracies.

However, as many of these countries did not make any progress and there was no sign of consolidation, the optimism that greeted their transition to democratic rule was replaced by pessimism. As a result of this, some scholars became very critical of these erstwhile democracies. For example, Larry Diamond (1996) called for a distinction to be made between liberal democracies and electoral democracies. Fareed Zakaria (1997) decried the rise of what he described as “illiberal democracy.” Thomas Carothers (2002) argued that the international community should abandon the transition paradigm, which has been the guiding principle for aiding and promoting democracy in the developing world.

The record of ‘third wave’ democratization in SSA too, was as elsewhere, abysmal. According to Manning (2005), between 1990 and 1995, 34 out of 47 countries in SSA had organized some form of legislative elections. Bratton and van de Walle (1997) observed that by 1994 there was no single de jure one party state in Africa. However, by 1998, only Benin, Botswana and Cape Verde were rated Free by Freedom House. The rest of the countries were rated Partly Free or Not Free (Freedom House, 1998). Almost two decades after the third wave, the situation in SSA does not look promising. According to *The Freedom in the World 2013 Report*, coups and conflicts overshadow electoral successes in Sub-Saharan Africa as countries such as the Gambia, Nigeria,

South Africa, Kenya, Uganda, and Madagascar registered declines in their levels of democracy. Mali, a country ranked in the past as one of the most democratic countries in Sub-Saharan Africa “suffered one of the greatest single-year declines in the history of the *Freedom in the World*, dropping precipitously from Free to Not Free”.¹

Ghana is one of the few countries in SSA that has remained politically stable. It has been improving its democratic credentials since the transition to democratic rule in 1993. Ghana is considered a shining star of a successful democracy on the continent and it has so far organized six successful elections. In July 2012, Ghana organized one of the smoothest political successions in the continent following the death of President John Evans Atta-Mills, who assumed office in January 2009. This political succession saw the transfer of executive power to Vice-President John Dramani Mahama. Unlike other political successions in SSA, which were characterized by political crises and uncertainties, Ghana showed political maturity as the government fully complied with the Constitution regarding presidential succession when a president dies in office. The Constitution provides for the vice-president to succeed the president where the president dies before his term expires.

Again, in December 2012, Ghanaians went to the polls to elect a president and 275 Members of Parliament (MPs). At the end of the elections, the Electoral Commission (EC) declared the ruling National Democratic Congress (NDC) as the winner of both the presidential and the parliamentary elections. The NDC candidate and incumbent president, John Dramani Mahama, won 50.70 percent of the votes and the party won 148 parliamentary seats. The main opposition party, the New Patriotic Party (NPP), led by Nana Akufo-Addo won 47.74 percent of the votes in the presidential election and 123 parliamentary seats. The People's National Convention (PNC) won one seat and independents won three seats. However, the NPP disputed the results of the presidential election and Nana Akufo-Addo, his vice-presidential candidate, Dr. Mahamudu Bawumia and the National Chairman of the NPP, Jake Otanka Obetsebi-Lamptey, filed a petition at the Supreme Court. After almost eight months of hearing, which was broadcasted live by the Ghanaian media, the Supreme Court threw out the petition and affirmed the election of President

¹ Freedom House, *Freedom in the World 2013: Democratic Breakthroughs in the Balance*, Page 6. Posted on <http://www.freedomhouse.org/sites/default/files/FIW%202013%20Booklet.pdf> (accessed on January 30 2013)

John Dramani Mahama. In reaction to the Supreme Court verdict, Nana Akufo-Addo said though the petitioners were disappointed in the ruling, they would accept it and move on in peace.

The smooth presidential succession and the gracious manner in which the political parties reacted to the Supreme Court's final decision had again raised the question of the extent to which democracy in Ghana has consolidated. This has engaged the attention of many scholars and Ghana's democracy has been analyzed after every election since 1996. Although there is a consensus that Ghana is a beacon of hope for democracy in SSA, the debate on whether or not democracy has consolidated still lingers.

This thesis assesses the democratic process in Ghana by focusing on the role of state institutions, the institutionalization of the political parties and party system, as well as civil society and interest groups. It addresses the following specific questions:

- What has been the role of state institutions in the democratic consolidation process?
- To what extent have the political parties and the de facto two-party system been institutionalized and what has been their contribution in the democratic consolidation process?
- How vibrant are civil society and interest groups and what has been their contribution in the democratic consolidation process?
- What are challenges and constraints faced by state institutions, the institutionalized political parties and party system, as well as civil society and interest groups in contributing to the democratic consolidation process?
- What measures should be adopted to deal with these challenges and constraints?

Focusing on the July 2012 presidential succession and the December 2012 general elections in Ghana as case studies, the analysis demonstrates that state institutions, the institutionalization of the political parties and the de facto two-party system as well as civil society have contributed to the democratic process. However, the analysis also demonstrates that there are challenges and constraints such as the Executive dominance over other state institutions which undermine the effective functioning of these institutions. Again, the de facto two-party system and the competitive nature of elections since 2000 have led to a high level of political polarization and mistrust between the NDC and the NPP. Moreover, the winner-take-all nature of the political

system provides the winner of elections with extensive financial and political patronage. Finally, challenges to democratic consolidation relate to the manipulation and co-optation of civil society groups by political parties, lack of expertise of many civil society groups, lack of legislation to regulate lobbying of public officials by interest groups and the unprofessionalism of some media organizations. These challenges must be addressed to enhance the prospects of democratic consolidation in Ghana.

The thesis is organized into five chapters. Chapter 1, the introductory chapter, covers the background and context of the thesis, the research questions, the aims and objectives, the methodology and the organization of the thesis. Chapter 2 provides the context for the analysis. It discusses the political and electoral history of Ghana since independence in 1957. It briefly discusses Ghana's First Republic under President Kwame Nkrumah and the military coup in 1966 that toppled his administration. It also discusses the political instability as well as the crises and military coups that dominated Ghana's political history from 1966 to 1992. The chapter then focuses on Ghana's transition to democratic rule in 1992, the factors that precipitated the transition and the main events and highlights of the transition period. Chapter 3 discusses the theoretical framework used for the analysis in this thesis. It discusses the concept of democratic consolidation and the problem with its definition and conceptualization. The chapter discusses the three elements of democratic consolidation in the theoretical framework. It then justifies why these three elements are fundamental to democratic consolidation in Ghana.

Chapter 4 examines Ghana's democratic progress using the July 2012 presidential succession and the December 2012 presidential and parliamentary elections. The chapter is divided into four sections. Section one provides a brief background discussion to the 1992 Constitution. It discusses the role of state institutions in Ghana's democratic process. The section then examines the mandates of the state institutions, how effectively they have discharged those mandates and their contribution in the process of democratic consolidation. It also examines the challenges faced by these institutions in contributing to the democratic consolidation process and how these challenges can be addressed. Section two traces the evolution of the political parties and party system under the 1992 Constitution. It further examines whether or not the political parties are institutionalized by using the Huntington's model of institutionalization and how effectively they have played their role in contributing to the democratic consolidation process. The section also

examines whether or not the de facto two-party system is institutionalized by using Mainwaring and Scott model of party system institutionalization. Section three assesses the contribution of civil society and interest groups to the country's democratic process. It also discusses the challenges and constraints faced by civil society and interest groups in contributing to the democratic process and how these challenges can be addressed. Section four is a brief discussion of some of the observations, findings and recommendations by the Constitution Review Commission (CRC) established in 2010 with the mandate to collate views, review the Constitution and make recommendations for amendments. This section examines whether the recommendations by the CRC address some of the flaws in the 1992 Constitution which hamper the effective functioning of state institutions and the political system in general.

Chapter 5 summarizes the entire thesis. It makes recommendations on how to address the challenges faced by the state institutions, the political parties and party system, as well as civil society and interest groups in contributing to the democratic process. The chapter concludes by providing an integrated assessment of the democratic consolidation in Ghana and discusses what future changes have to occur to make the country a consolidated and well-functioning democracy.

1.1 METHODOLOGY

This thesis relies on the case study approach. This approach is most suited for this study as it allows in-depth analysis of the July 2012 political succession and the December 2012 presidential and parliamentary elections in Ghana, with a view to generating enough information towards meeting the objectives of the thesis. Although this thesis is a case study, it nevertheless incorporates some elements of the comparative method approach by making references to other countries in order to highlight important points and place some issues into proper contexts.

Data for this study was obtained from primary and secondary sources. Primary sources include speeches by presidential candidates and leading members of the political parties on radio and television, newspaper articles, particularly online versions, websites of media organizations, blog posts by journalists and politicians, statements and other information posted on social media networks, manifestos of political parties, reports by civil society groups, and reports by domestic and international election observers. Secondary data was obtained from textbooks, scholarly

journals such as *Journal of Democracy*, *Democratization*, and *Journal of Modern African Studies*, *African Studies* and *Electoral Studies* as well as magazines.

CHAPTER TWO

OVERVIEW OF GHANA'S POLITICAL HISTORY: ELECTORAL POLITICS, POLITICAL INSTABILITY AND THE RETURN TO DEMOCRATIC RULE IN 1993

2.0 INTRODUCTION

Ghana has had a checkered political history since it attained independence from British colonial rule in 1957. Until 1993, all attempts at democratization were terminated by military coup d'états. These coup d'états led to political instability.

2.1 GHANA'S FIRST REPUBLIC AND THE CONVENTION PEOPLE'S PARTY (CPP), ADMINISTRATION

In 1957, Ghana became the first country in SSA to attain independence. Kwame Nkrumah, the leader of the Convention People's Party (CPP), became the first prime minister after his party won 71 of the 104 seats available in the 1956 legislative elections (African Election Database).² Under the 1957 Constitution, Ghana was a constitutional monarchy and a parliamentary democracy. The Executive was made up of a prime minister, the leader of the majority party, and his cabinet appointed by him from among his party MPs. The appointment of the Cabinet was subject to the approval by the National Assembly to which they (the prime minister and his cabinet) were individually and collectively responsible. The head of state, representing the British Monarch, was the governor general, with generally ceremonial powers. The Constitution had provisions which were supposed to guarantee and protect political and civil liberties and fundamental human rights. These rights included the right to life, to property, to freedom of speech, to form and join associations and the right to peaceful assembly (Frempong, 2007a: Schwelb, 1960).

As a compromise measure between the CPP which advocated a unitary state and the opposition National Liberation Movement and its allies, which advocated a federal state, Article 67 of the 1957 Constitution made provision for the establishment of Regional Assemblies. The Assemblies, established by an Act of Parliament in the then five regions of the country, had jurisdiction over local government, agriculture, education, communications, public works, health

²The Northern People's Party (NPP) had 15 seats, the National Liberation Movement (NLM) had 12 seats, the Togoland Congress won 2 seats, the Federation of Youth won 1 seat and Independents won 3 seats. Apart from the CPP, all the other parties were regional, ethnic or religious based parties. The opposition parties came together and formed an alliance in 1957 after parliament passed the Avoidance of Discrimination Act which proscribed all political parties based on any sectional interest or consideration.

services, housing, town and country planning and any such other matter that was determined by Parliament from time to time. The central government had jurisdiction over foreign affairs, defense, security and finance. To prevent any arbitrary amendments to the Constitution, the amendments procedure was made very cumbersome. For example, an amendment to the ordinary provision of the Constitution required 2/3 majority of Parliament and an amendment to an entrenched provision needed the approval of not less than 2/3 of all the Regional Assemblies (Frempong, 1997a:7).

However, shortly after independence, the CPP administration used its majority to pass draconian legislation which was aimed at neutralizing the opposition. For instance, in July 1957, the CPP dominated Parliament passed the Deportation Act which empowered the prime minister to deport any foreigner whose actions or conduct were considered not to be in the interest of the country. The CPP government used that Act to deport some ethnic Ghanaian Hausas because they supported the opposition. Again, in December 1957, Parliament passed the Avoidance of Discrimination Act 1957 (Act 38) which proscribed the formation of regional and ethnic-based parties to render all the opposition parties illegal on the grounds that they were not national in character. However, the opposition managed to outwit the government as they came together to form the United Party (UP). In addition, in 1958, Parliament passed the Preventive Detention Act, which made it possible to detain up to five years (later extended to ten years) persons suspected to be involved in any activity considered by the government to be prejudicial to the security and defense of the country (Frempong, 1997a:8). The Act was used to detain prominent political opponents of Kwame Nkrumah. For example, Joseph Boakye Danquah, the first leader of the United Gold Coast Convention (UGCC), the nationalist movement formed in 1947, was among the victims of the application of the Act and he died in detention (Le Vine, 1975).

In addition to these Acts, Parliament passed amendments which rendered the 1957 Constitution worthless. In 1960, the government argued that the 1957 Constitution was a relic of the colonial era because it was imposed on Ghana by the British colonial authorities. It therefore embarked on a process to promulgate a new Constitution for the country. The National Assembly passed the Constituents Assembly and Plebiscite Act 1960 which empowered it to transform itself into a Constituent Assembly to make proposals for the 1960 Republican Constitution.

In April 1960, a plebiscite and a presidential election were simultaneously held to approve the draft Republican Constitution and to elect the first president. The Constitution was approved by a "Yes" votes of 1,008,740 which represented 88.47 percent as against the "No" votes of 131, 425 which represented 11.53 percent. In the presidential election, the candidate of the CPP, Kwame Nkrumah, obtained 1,016,076 which represented 89.07 percent to beat the candidate of the United Party (UP), Joseph Boakye-Danquah, who obtained 124,623 which represented 10.93 percent of the votes. Based on the result of the plebiscite, on June 29, 1960, the National Assembly enacted the new Republican Constitution, which came into effect on July 1, 1960 and Ghana was declared a republic. The 1960 Constitution changed the system of government from a parliamentary system to a presidential republican system. The Constitution vested significant power in the president. For example, he had the power to rule by decree. In addition, he could, whenever he considered it to be in the national interest rule by legislative instrument, which may alter any legislation, other than the Constitution. This provision rendered the sole authority vested in Parliament to make laws ineffective. Again, according to Article 55 of the Constitution, the actions and inaction of the president were not subject to judicial review. In effect, Parliament and the Judiciary were virtually subjected to the control and direction by the Executive (Frempong, 1997a:9).

Moreover, there was no provision in the Constitution that was supposed to guarantee and protect fundamental human rights. Instead, the Constitution only made provision for a nine-point Declaration of Fundamental Principles to be made by the president upon his assumption of office. Consequently, civil and political liberties were severely curtailed ((Frempong, 1997a:9; Schwelb, 1960).

In September 1962, Parliament passed a private member's motion, which made Nkrumah the life president. Subsequently, Ghana was declared a socialist state and the government embarked upon a massive industrialization program. The government promoted and vigorously pursued import-substitution industrialization with the aim of reducing the country's reliance on foreign and imported goods. As a result, many state enterprises and corporations were established, and the cost of their operations was heavily subsidized by the state. They manufactured and sold basic and essential goods at a relatively reduced price. These were done with generous support from the Soviet Union and other countries in the Eastern Bloc. However, the state enterprises

eventually became avenues for promoting political patronage and the perpetuation of corruption as membership of boards was staffed with party apparatchiks and loyalists of Nkrumah (Gocking, 1995).

In January 1964, a constitutional referendum was held seeking two amendments. The proposed amendments were to turn Ghana into a one-party state and vest the president with enhanced powers. This included the power to dismiss judges of the Supreme Court at any time and for any reason, which appeared to him sufficient (Frempong, 1997a:11). The amendments were approved by "Yes" votes of 2,773,920 out of 2,776,372 total valid votes which constituted 99.91 percent (African Elections Database, 2012). With Ghana declared a one-party state, the CPP became the only legal political party as membership of other parties was proscribed. As the life president of the country with newly enhanced powers, Nkrumah dismissed the chief justice, Sir Arku Korsah, and two Appeal Court judges for acquitting three members of the CPP who were allegedly implicated in the kulungugu assassination plot against him in 1962. Again, parliamentary and presidential elections scheduled for June 1965 were cancelled and Nkrumah was nominated unopposed by the central committee of the CPP as the president. Subsequently, in a radio announcement, Nkrumah also declared the CPP parliamentary candidates automatically elected (Le Vine, 1975, Frempong, 1997a:11).

Meanwhile, as political and civil liberties were eroded, political patronage led to corruption and the mismanagement of state-owned enterprises. Because of their inefficiencies and lack of subsidies to support their operations, most state enterprises operated below capacity. Since the government did not have the foreign exchange to import goods, there were shortages of basic and essential goods such as toiletries, sugar and milk. As a result of economic and political grievances, there were rumors of coup d'états. However, in order to prevent any threat to his administration, in the middle of 1965, Nkrumah reorganized the military high command and strengthened the defense secretariat (Le Vine, 1975: XXIV).

In addition, the hopes of Ghanaians were dashed when the 1966 budget presented by the government did not make any provision to alleviate the economic hardships in the country. Consequently, on February 26, 1966, a group of senior military and police officers overthrew the government. The officers who called themselves the National Liberation Council (NLC) abrogated the 1964 Constitution and ruled by military decree. Officials who served in the

Nkrumah administration were arrested and detained. The military regime also established various Assets Commissions and Commissions of Enquiry and public officials found guilty by these commissions of using public office for private gain were banned from participating in future election or holding any official party position and their assets were confiscated. The CPP was banned and membership of the party was made illegal. The military regime also reversed most of the economic policies of the erstwhile Nkrumah administration. For example, it privatized most state-owned enterprises, severed relations with the Soviet Union for a rapprochement with the West.

On November 18, 1966, the military regime established a Constitution Commission under the leadership of the Chief Justice, Edward Akufo-Addo. The Commission was mandated “to ascertain so far as possible the wishes of all sections of the people of Ghana on the question of what type of new constitution would be most suitable for adoption by Ghana” (Twumasi, 1968:43). The Commission made far-reaching proposals most of which were aimed at preventing the repetition of the presidential dictatorship that occurred under former President Nkrumah. In its final report, the Commission proposed the return of a parliamentary system of government, whereby the Executive power was shared between a prime minister and a president as ceremonial head of state. The president was not directly elected by the people but by a 212-member Presidential Electoral College and he was not a member of any political party. The membership of the Electoral College included all the 140 members of the National Assembly and other groups such as labor unions, employers’ association and student organizations (Twumasi, 1968: 44).

The prime minister was the head of government and served in that capacity as long as he enjoyed the confidence of the majority of his colleagues. The National Assembly had absolute control and authority in the area of law making. However, an Act of Parliament never became a law unless the president assented to it. The administration of justice was vested in the Judiciary and its independence was guaranteed and protected by the Constitution. It was not subjected to the control of any branch of government but to the Constitution. The provisions of the Constitution that were supposed to guarantee and protect fundamental human rights and freedoms were entrenched. The overall effect of the proposals was to avoid the arbitrariness of the Nkrumah era. It therefore, limited the exercise of executive power by law (Twumasi, 1968: 43).

When the ban on political party activities was lifted in May 1969, four political parties emerged to contest the 1969 parliamentary election. The two major political parties, the Progress Party (PP) and the National Alliance of Liberals (NAL) were the ideological successors to the United Party and the Convention People's Party of the First Republic, respectively. The PP was led by Professor Abrefa Busia, who was a member of the United Party until it was proscribed in 1962 when Ghana was declared a one-party state by the Nkrumah administration. He went into exile in 1959 but returned in 1966 following the overthrow of former President Nkrumah. The NAL was led by Komla Gbedemah, a former finance and health minister under Nkrumah. He also fled Ghana in 1961 when he fell out with Nkrumah but returned to Ghana when Nkrumah was overthrown. Other parties were the United Nationalist Party (UNP), the People's Action Party (PAP) and the All People's Republican Party (APRP).

During the August 1969 parliamentary election, the PP won 105 out of the 140 seats to form the government and Professor Abrefa Busia became the prime minister of the Second Republic. The NAL came a distant second with only 29 seats to form the official opposition. The UNP and the PAP won two seats each while the APRP and Independents won only a seat each (African Elections Database, 2012). The PP administration was inaugurated on September 3, 1969 thus ushering in the Second Republic. A three-member Presidential Commission composed of three members of the erstwhile NLC military regime was formed to perform the functions of the president. On August 31, 1970, the Presidential Electoral College elected the Chief Justice, Edward Akufo-Addo, as the president to replace the three-member Presidential Commission, which completed the transition to democratic rule (Craig, 1969:428).

2.2 GHANA'S SECOND REPUBLIC AND THE PROGRESS PARTY (PP) ADMINISTRATION

There was great optimism about the prospect for a well-functioning democracy under the PP administration because the prime minister and most of the members of his cabinet were vociferous critics of the dictatorship of former President Nkrumah. However, some of the actions of the administration weakened the faith of the people in its commitment to the rule of law after a few months in office. For example, first, in 1970, 568 public servants were sacked, apparently, as a measure to downsize the public sector. However, there was widespread suspicion that most of the affected workers were opposition sympathizers. Second, but related to the first was the decision by the administration not to comply with the court order to reinstate one of the

dismissed workers. What made matters worse was the pronouncement by the prime minister that no court can compel the government to employ any person it did not want to. Third, was what became known as the *J H Mensah Affair*. Contrary to Article 61 of the Constitution, it was discovered that the finance minister, J H Mensah, was engaged in business as a director of a private company. Despite the pressure mounted by the opposition, the prime minister refused to sack him. In addition, an opposition sponsored censure motion against the finance minister was defeated by 28 to 81 votes in the National Assembly. Fourth, the National Assembly refused to establish the Office of the Ombudsman as mandated by Articles 100 to 101. Fifth, was the refusal by ministers of state to declare their assets as required by the Constitution (Frempong 1997a:14-15).

Moreover, the desire by the administration to tackle many of the economic challenges it inherited from the erstwhile Nkrumah and the NLC regimes made it very unpopular because of the severe austerity policies it implemented. For example, in order to raise revenue for rural development, the government introduced a national development levy of up to five percent on income above a certain level. This measure was very unpopular with the middle class, the traditional support base of the government. Again, as the austerity economic policies could not stabilize the macroeconomic problems, the government devalued the Ghanaian currency, the cedi, by 44 percent. Further, the austerity measures taken by the government did not spare the military. The government introduced rent on officers' accommodation and import duties on imported military supplies. These measures created tension between the government and some elements within the military establishment (Goldsworthy, 1973:11).

In addition to the economic problems there was serious ethnic tension as the results of the 1969 parliamentary election, to some extent, reflected the ethnic divisions in the country. Though all the political parties sponsored candidates throughout the country, the PP won most of its votes from the Akan dominated areas in the southern part of the country. It also won a few seats in the northern part of the country. Conversely, the NAL won mainly in the Ewe dominated areas in southern part. For example, as illustrated in Table 1 below, the PP won all the seats in Ashanti, Brong-Ahafo and Central regions, most of the seats in Eastern region and two seats from the northern part of Volta region inhabited by Akan speaking people and other minority ethnic groups from Togo. But the NAL won all the 14 seats in the southern Volta region inhabited by

the Ewes. Therefore, because of the Westminster system of government, “Ewe MPs automatically were denied not only a share in policy making but also a share in the control of spoils” (Goldsworthy, 1973:13).

Table 1: Regional Breakdown of the 1969 National Assembly Election

29 AUGUST 1969 NATIONAL ASSEMBLY ELECTION							
Party							
Region	Progress Party (PP)	National Alliance of Liberals (NAL)	United Nationalist Party (UNP)	People's Action Party (PAP)	All People's Republican Party (APRP)	Independents	Total Seats
Ashanti	22	-	-	-	-	-	22
Brong-Ahafo	13	-	-	-	-	-	13
Central	15	-	-	-	-	-	15
Eastern	18	4	-	-	-	-	22
Greater Accra	3	3	2	-	-	1	9
Northern	9	5	-	-	-	-	14
Upper	13	3	-	-	-	-	16
Volta	2	14	-	-	-	-	16
Western	10	-	-	2	1	-	13
National Total	105	29	2	2	1	1	140

Source: African Elections Database, 2012

In addition to failing to come to terms with the perennial economic problems of the country, “Busia and his principal lieutenants displayed much the same kind of political ineptitude, arrogance, intolerance of criticisms, and enthusiasm for the plusher rewards of office as they had once harshly criticized in the Nkrumah regime” (Le Vine, 1975: XXVI).

As a result of these problems, a group of army officers led by Colonel Ignatius Kutu Acheampong overthrew the regime and abrogated the 1969 Constitution. The new military regime which referred to itself as the National Redemption Council (NRC) arrested and detained PP leaders and also arrested more than 1300 former politicians. It also issued decrees which curtailed freedom of speech and made any form of criticism of the military regime illegal. The NRC further preoccupied itself with the removal of the causes of the problems that occurred under the PP administration. It therefore, “struck out against ethnic manifestation of any sort in an effort to avert the politically active component of ethnicity”. The word “tribe” was expunged from all official documents. There was even a proposal for the removal of surnames with ethnic connotations (Chazan, 1983: 235).

The regime issued a decree which banned all political parties and occasionally issued statements condemning the divisive nature of party politics. It also made strenuous efforts to discredit all politicians. From 1972 to 1975, the regime accused, arrested, tried and jailed politicians belonging to both the Danquah-Busia and the Nkrumahist traditions for attempted coups. As the economy recovered due to favorable international prices of cocoa, the main foreign exchange earner for the country, the regime enjoyed popular support from the masses. However, the support was short-lived when the economy sharply deteriorated from the effect of the oil crisis which was caused by the formation of the Organization of the Petroleum Exporting Countries, the oil producing countries cartel. Again, the regime was overwhelmed by allegations of corruption which were widely reported by the media. Therefore, opposition against the regime coalesced and there was agitation from the labor front as many public sector workers embarked on industrial strike actions. To redeem its badly damaged reputation, General Acheampong decided to take action. In October 1975, he reconstituted the membership of the military council. The National Redemption Council was replaced by the Supreme Military Council (SMC) (Chazan, 1983: 238). With the restructuring, the Army, the Air Force and the Navy Commanders were made members of the military council and had the opportunity to serve in

government. However, lower-ranked officers who were part of the NRC lost their positions in government and were redeployed to the military barracks.

As opposition against the regime became intense and public protests were organized, civil society groups including professional groups such as teachers, lawyers and doctors called for a return to democratic rule. In response to the protests and calls for a return to democratic rule, the regime continued to trumpet the negative and divisive effect of multi-party politics. It stressed the need for a national unity and occasionally adopted brutal means to deal with its opponents through harassment and summary detention. When those strategies failed, the regime felt pressured and announced its intention to return the country to democratic rule. This intention was not considered genuine as the regime failed to substantiate its promises with a definitive timeline (Chazan, 1983:244).

However, because the protesters were not placated by the vague promises by the military regime, in October 1976, General Kutu Acheampong made a firm commitment to return the country to democratic rule but under the concept of a Union Government (Unigov). The Unigov concept was “supposed to be a ‘no-party community democratic government’ in which the army and the police would share power with civilians (Hitchens 1979:171-172; Chazan, 1983: 244-245). The proposed Unigov idea was fiercely rejected by the opposition. They stood their ground that nothing apart from a return to a multi-party democratic civilian rule would be accepted. The regime remained adamant and went ahead to announce a detailed timeline for the referendum on the Unigov. In the midst of violent confrontations between pro- and anti-Unigov forces, the referendum was held on March 30, 1978 (Frempong, 1997a:16). The question on the ballot was 'do you approve whether or not some form of Union Government would become the basis of Ghana's political system?' The referendum was approved with "Yes" votes of 60.11 percent against 39.89 percent for the "No" votes (African Elections Database, 2012) even though the electoral commissioner had abandoned counting of the votes and ran away for his dear life (Frempong, 1997a:16).

Meanwhile disillusionment with the military junta grew because of continued allegations of corruption and economic mismanagement. As demand for a return to a democratic rule intensified, there were calls for the military regime to resign and return to its barracks so that a

proper transition could be managed by an interim civilian administration. However, other members of the regime blamed General Acheampong for the crisis in the country. On July 5, 1978, he was removed from office through a palace coup and replaced by his deputy, Lieutenant-General Fred Akuffo. The resulting regime was referred to as the Supreme Military Council II (SMC II). Though General Akuffo had wanted to continue with the Unigov agenda, he was forced to back down. He eventually admitted that party politics could not be ruled out completely. He later made a lot of concessions and allowed elections to be held at the local levels. Following the recommendations of the Constitution Drafting Commission which called for a multi-party politics, Akuffo established a Constituent Assembly and then lifted the ban on party politics. The Assembly drew the 1979 Constitution which was later promulgated. The 1979 Constitution was closer to the American model as it provided for a presidential system of government with a strict separation of powers between the three branches of government (Jeffries, 1980: 398).

In line with the Constitution, the Electoral Commission came with three strict requirements for the registration of political parties. First, no political party was allowed to use the name or symbol of any political party that had contested previous Ghanaian Elections. Second, any person found guilty by the various Assets Commission and Commissions of Enquiry established in 1966 by the military regime of the NLC was not allowed to contest election or hold any official party position. Third, as a condition for registration, political parties were required to establish a certain number of regional offices and to field a certain number of parliamentary candidates. Seven political parties satisfied these conditions. These were the People's National Party (PNP), the Popular Front Party (PFP), the United National Convention (UNC), the Action Congress Party (ACP), the Social Democratic Party (SDP), the Third Force Party (TFP) and the Vanguard Party (VP). However, the VP did not take part in the elections because its leader, Dr. Blay-Miezah, was jailed for bribing a security officer (Jeffries, 1980: 399).

In the parliamentary election held in May 1979, the PNP won 71 out of 140 seats available. The PFP won 42 seats, followed by the UNC with 13 seats. The ACP and the SDP won 10 and 3 seats, respectively, and independents won only one seat (African Elections Database, 2012). The prospect of a return to multi-party rule appeased the political elites who were very satisfied with

the transitional arrangement, the conduct of the parliamentary election and were looking forward to the presidential election scheduled for June 18, 1979 (Chazan, 1983:275).

However, the removal of General Acheampong and the preparation for a transition to democratic rule did nothing to appease the radicalized working classes who felt marginalized from the system. They called for the resignation and subsequent prosecution of members of the military regime for corruption and economic mismanagement (Pieterse, 1982: 252). As protests against the regime by workers continued and intensified, on June 4, 1979, a group of young and junior military officers, which called itself the Armed Forces Revolutionary Council (AFRC), led by Flight Lieutenant Jerry John Rawlings staged the bloodiest revolution in Ghana. The revolution, which was christened a 'house cleaning' exercise by Rawlings was "to erase all manifestations of corruption, profiteering, or malfeasance associated in any way with previous regimes"(Chazan, 1983: 281). It led to the execution of eight high ranking military officers including three former heads of state (Hansen and Collins, 1980).³ The revolutionaries allowed the transition arrangement to proceed as scheduled. The six political parties which contested the parliamentary election and four independent candidates participated in the June 18 presidential election supervised by the AFRC.

³The military Heads of State executed by firing squad were Generals A. A. Afrifa (NLC), I. K. Acheampong (SMC I) and W. F. Akuffo (SMC II). Other senior military officers also executed were: Major-General R.E.A Kotei, Air Vice-Marshal George Yaw Boakye, Real Admiral J.K. Amedume and R.J.A. Felli. They were all charged for various offenses against the state.

Table 2: The Results of the First and Second Rounds of the 1979 Presidential Election

Candidate (Party)	First Round		Second Round	
	Number of Votes	% of Votes	Number of Votes	% of Votes
Hilla Limann (PNP)	631,559	35.32%	1,118,305	61.98%
Victor Owusu (PFP)	533,928	29.86%	686,097	38.02%
William Ofori-Atta (UNC)	311,265	17.41%	-	-
Frank Bernasko (ACP)	167,775	9.38%	-	-
Alhaji Ibrahim Mahama (SDF)	66,445	3.72%	-	-
John Bilson (TFP)	49,104	2.75%	-	-
R.P. Baffour	8,812	0.49%	-	-
Kwame Nyanteh	8,490	0.47%	-	-
Mark Diamond Addy	5,957	0.33%	-	-
Alhaji Imoru Ayarna	4,874	0.27%	-	-

Source: African Elections Database, 2012

As illustrated in Table 2 above, the presidential election followed a similar pattern as the parliamentary election. The PNP led by Hilla Limann won 35.32 percent of the votes against 29.86 percent by his closest challenger, Victor Owusu of the PFP. However, because none of the two leading candidates had more than 50 percent of the votes to be declared the winner as required by the Constitution, a second round was held on July 9. Hilla Limann secured 61.98 percent of the votes and was declared the winner while Victor Owusu won 38.02 percent (See Table 2). President Limann was inaugurated on September 24, 1979, thus ushering in the Third Republic (Chazan, 1983:284-301).

2.3 GHANA'S THIRD REPUBLIC AND THE PEOPLE'S NATIONAL PARTY (PNP)

ADMINISTRATION

The new administration was confronted with many challenges when it assumed office. In the first place, President Hilla Limann was not a well-known politician. He only had the opportunity to lead the PNP after his uncle, Imoro Igala, a former foreign minister under Kwame Nkrumah,

was disqualified from contesting the 1979 presidential election because he was found guilty by the Assets Commission established by the NLC military regime in 1966 (Jeffries, 1980: 399). President Limann was not a popular person within the party and did not command enough support within the rank and file of the party. Therefore, he could not bring most of the members of the party under his control to ensure party discipline. The second problem was the presence of the members of the erstwhile AFRC, including Rawlings who continued to serve as the vanguard of the June 4, 1979 revolution. They brought considerable pressure on President Limann and behaved as though the PNP administration was on probation. The revolutionaries were determined to see that the administration upheld the principles of probity, accountability and transparency, the lack of which were the main reasons leading to the revolution. In addition, there was the problem of an ineffective and a paralyzed public sector, as well as a bureaucracy which had become rusty as a result of neglect by prolonged military dictatorship. Finally, the administration had to contend with numerous economic problems such as massive youth unemployment, a huge external debt burden, and high inflation, as well as shortages and hoarding of basic goods (Chazan, 1983: 312).

As the administration lacked a clear strategy and effective leadership to deal with these problems, it committed many errors and eventually lost the support of the public which made it susceptible to a coup. For example, because of the strict separation of powers under the Constitution, there was no coordination between the Members of Parliament of the party and the Executive. Consequently, though the Executive had a majority in Parliament, many of its MPs rebelled against it. Therefore, the president could not marshal the necessary support to get his budget statement and economic policy approved, which led to a government shutdown. In the process, acrimony among the party leaders intensified as they openly accused each other of sabotage.

Again, President Limann had problems with the military as most service commanders were perceived to be loyal to Rawlings and the June fourth revolution. In order to assert his authority and bring the military under his control, the president attempted to purge it. Many serving military officers, including the Chief of Defense Staff, Brigadier Nunoo-Mensah, and the Army Commander, Brigadier Arnold Quinoo, were dismissed. Other officers were prematurely retired and others resigned out of frustration and because of harassment. The president promoted and

appointed officers who were loyal to him to sensitive positions. These actions by the president further politicized the military and created tension between the military high command and the Limann administration (Hutchful, 1997: 539).

Also, efforts to resuscitate the economy did not yield any positive results as anticipated foreign aid and investment did not materialize. Many sectors of the economy, including agriculture which was the mainstay of the economy and largest contributor to the gross domestic product of the country sharply declined. The administration's request for a one billion dollar loan from the International Monetary Fund could not be fulfilled because it could not meet the conditions set by the Fund prior to disbursement (Chazan, 1983, 312). To make things worse, the administration faced a very united, eloquent and vocal opposition which scrutinized every action of the government, and derided and ridiculed its achievements in Parliament. The opposition presented an alternative budget statement and economic policy which was approved by Parliament. Therefore the opposition succeeded in creating a crisis of confidence in the administration and indicated its willingness to take over the reins of government whenever the opportunity availed itself.

Against this backdrop of confusion and ineptitude of the administration and the lack of leadership in managing the challenges that confronted the administration, on December 31, 1981, a group of junior military officers and noncommissioned officers under the leadership of Rawlings, overthrew the administration. This group which called itself the Provisional National Defense Council (PNDC) claimed that the coup was inevitable to prevent the repetition of the pre-1979 corruption and economic decay. What was most significance about this coup was the return of Rawlings as the first military leader to stage a second successful coup in Africa. The PNDC eventually became the longest serving military regime in Ghana's history as it ruled from December 31, 1981 to January 7, 1993.

However, the transition to democratic rule in 1993 was very different from other transitions that preceded it because of the participation of the retreating military regime in the political process by transforming itself into a political party, the National Democratic Congress (NDC). Given that the PNDC did not mince words about its disdain for democracy when it initially seized power, it would be worthwhile to recount the circumstances under which the regime embarked on the transition to democratic rule in 1993.

2.4 THE PNDC AND THE TRANSITION TO DEMOCRATIC RULE IN 1993

As Gyimah-Boadi observed, from the initial stages, the PNDC military regime was unequivocal about its desire to stay in power much longer than its predecessor military regimes of the NLC, the SMC and the AFRC (Gyimah-Boadi, 1991). The desire to stay longer reflected in the public remarks of Chairman Rawlings and other members of the regime. They openly expressed their disdain for multi-party democracy and blamed politicians for the woes of the country. The regime through its public rhetoric “espoused socialism and launched what Rawlings termed the people’s revolution” (Boafo-Arthur, 1999:46). Western capital, foreign investments and the influence of international financial institutions, international nongovernmental organizations, imperialism and elitism were blamed for the political and economic crises facing the country. However, in 1983, faced with severe economic problems, which were exacerbated by drought and famine and after the regime had failed to secure any form of economic assistance from the Soviet Union and its allies, it was forced to eat a humble pie. Therefore, “in April 1983, a landmark policy change occurred. Socialism was abandoned and the PNDC and Ghana embarked on the World Bank/IMF inspired structural adjustment programs” (Boafo-Arthur, 1999:46).

The regime religiously implemented the structural adjustment programs (SAPs) and it was acclaimed by the Bretton Woods institutions as Africa’s quintessential economic success. Despite its poor human rights records, the regime received generous financial aid and concessionary loans from these international financial institutions. This financial assistance helped it to stem the tide of economic decline and stabilized the macroeconomic situation in the country. However, following the collapse of the Soviet Union, the IMF/World Bank introduced good governance and political conditionalities as the basis for continuous disbursement of financial assistance to aid-receiving countries. Because Ghana's economy was still very fragile, the regime was susceptible to external pressure and had to comply with the political conditionalities of the multilateral and bilateral donors (Oquaye, 1995a, Boafo-Arthur, 2007). Consequently, on December 31, 1991, Rawlings in his New Year broadcast to the nation formally announced that the country has embarked on a transition to constitutional rule (Gyimah-Boadi, 1991).

Unlike democratic transitions that occurred in the early 1990s in other parts of Africa such as Benin and Zambia, the transition in Ghana was not precipitated by deeper political and economic crises. Therefore, the regime had total control over the transition process and all the institutions that were established to supervise the transition were dominated by its loyalists. Moreover, the regime kept the transition timelines close to its chest in order to outwit other political groups who were likely to contest election as part of the transition program. Further, the regime did not disclose its real intention early enough as far as the 1992 presidential and parliamentary elections were concerned. In other words, the regime manipulated the transition program to its advantage (Gyimah-Boadi, 1994).

On June 10, 1992, senior members of the PNDC military regime launched a political party, the National Democratic Congress (NDC) and later nominated Rawlings as its presidential candidate. The NDC entered into the Progressive Alliance with the National Convention Party (NCP) and the Every Ghanaian Living Everywhere (EGLE) Party. The alliance led by Rawlings won the presidential election held on November 2, 1992, with 58.4 percent of the total votes. His main challenger, the candidate of the New Patriotic Party (NPP), Professor Albert Adu-Boahen, secured 30.4 percent of the votes. The People's National Convention (PNC) under the leadership of Hilla Limann won 6.70 percent of the votes while the National Independent Party (NIP), led by a Kumasi-based industrialist, Kwabena Darko, had 2.86 percent of the votes. The candidate of the People's Heritage Party (PHP), General Erskine, won only 1.76 percent of the vote (African Elections Database, 2012).

The declaration of Rawlings as the winner by the Electoral Commission was not without problems. The opposition parties, particularly the NPP alleged that widespread malpractices and irregularities occurred during the presidential election and therefore, boycotted the parliamentary election scheduled for December 1992. As a result, only the NDC and its allies in the Progressive Alliance and a few independent candidates contested the parliamentary election and the NDC won 189 of the 200 seats. The NCP won eight seats while the EGLE party and Independents won one and two seats, respectively (Jeffries, 1993; Oquaye, 1995b; Nugent, 1999; African Elections Database, 2012).

Because some scholars were of the view that the transition was deeply flawed and the opposition parties had boycotted the parliamentary election, there were concerns about the

future of the re-democratization process in Ghana. Would the military intervene in politics as it did in the past in the face of political crisis? What would the opposition parties do after they had boycotted Parliament? Would the NDC ever hand over power when it loses an election?

However, in 1996, the country organized relatively successful presidential and parliamentary elections. Former President Rawlings was re-elected for a second term with 57.4 percent of the votes compared to 58.3 percent he had in 1992. His main challenger, the new candidate of the NPP, John Kufour, won 39.6 percent (Jeffries, 1998: 203). The opposition parties accepted defeat, congratulated the NDC for its victory, and then entered Parliament with a third of the seats. The 1996 elections engendered some confidence in Ghana's democratic process. Though the assessment of the 1996 election was generally positive, many were still skeptical about the democratic process because they were not sure if Rawlings would comply with the two-term limit. Or if he does, what would he do if the NDC loses an election (Gyimah-Boadi, 1997; Lyon, 1997; Ayee, 1997; Jeffries, 1998; Haynes, 1999).

But the democratic process in Ghana was strengthened by the 2000 presidential and parliamentary elections which led to the peaceful transfer of political power from the NDC to the NPP. As illustrated in Table 3 below, in the first round of the presidential election held on December 7, 2000, the presidential candidate of the opposition NPP, John Kufour, won 48.17 percent of the votes against 44.54 percent by the incumbent vice president and candidate of the NDC, John Evan Atta-Mills.

Table 3: The Results of the First and Second Rounds of the 2000 Presidential Elections

Candidate (Party)	First Round		Second Round	
	Number of Votes	% of Votes	Number of Votes	% of Votes
John Agyekum Kufuor (NPP)	3,131,739	48.17%	3,631,263	56.90%
John Evans Atta Mills (NDC)	2,895,575	44.54%	2,750,124	43.10%
Edward Mahama (PNC)	189,659	2.92%	-	-
George Hagan (CPP)	115,641	1.78%	-	-
Augustus Obuadum "Goosie" Tanoh (NRP)	78,629	1.21%	-	-
Daniel Augustus Lartey (GCPP)	67,504	1.04%	-	-
Charles Wereko-Brobby (UGM)	22,123	0.34%	-	-

Source: African Elections Database, 2012

Since none of the two leading candidates had won more than 50 percent of the votes to be declared the winner in the first round, a second round was held on December 28, 2000. With the support of the other opposition parties, Kufour won comfortably with 56.9 percent of the votes. Rawlings handed over power peacefully to Kufour on January 7, 2001. The 2000 election was the most significant election in the political and electoral history of Ghana. That was the first time a democratically elected government had completed its full term, lost subsequent election and transferred power peacefully to the opposition. Again, in the 2004 presidential election, President Kufour beat Atta-Mills as he was re-elected for a second term. He won 52.45 percent of the votes against 44.64 percent won by Atta-Mills.

More significantly, Ghana witnessed a second alternation of political power in January 2009 when the NPP handed over power back to the NDC. As illustrated in Table 4 below, in the first round of the presidential election held on December 7, 2008, the candidate of the NPP, Nana Akufo-Addo, won 49.13 percent of the votes against 47.92 percent by the candidate of the NDC, John Atta-Mills. However, Atta-Mills came from behind during the second round to win 50.23 percent of the votes to be declared the winner against 49.77 percent by Nana Akufo-Addo.

Table 4: The Results of the First and Second Rounds of the 2008 Presidential Election

Candidate (Party)	First Round		Second Round	
	Number of Votes	% of Votes	Number of Votes	% of Votes
John Evans Atta Mills (NDC)	4,056,634	47.92%	4,521,032	50.23%
Nana Akufo-Addo (NPP)	4,159,439	49.13%	4,480,446	49.77%
Paa Kwesi Nduom (CPP)	113,494	1.34%	-	-
Edward Mahama (PNC)	73,494	0.87%	-	-
Emmanuel Ansah-Antwi (DFP)	27,889	0.33%	-	-
Kwasi Amofo-Yeboah	19,342	0.23%	-	-
Thomas Ward-Brew (DPP)	8,653	0.10%	-	-
Kwabena Adjei (RPD)	6,889	0.08%	-	-

Source: African Elections Database, 2012

With the second alternation of political power, democracy in Ghana had consolidated as per Huntington's criteria. He argued that, democracy is consolidated "when a polity passes a 'two turnover' test: that is, a government loses an election, the opposition wins it and then, next time, loses power" (Haynes, 2003: 49). However, as it will be demonstrated later, it takes more than two alternations of political power for democracy to be consolidated in Africa because of many other challenges.

2.5 CONCLUSION

When Ghana attained independence in 1957, it had a well functioning parliamentary democracy. By the time of independence the country had experience with multi-party elections since 1951, had a well-developed middle class, well-organized political parties, and it was a relatively wealthy and peaceful country, thus there was great hope that democracy would flourish. However, shortly after independence, the Nkrumah administration proscribed all other political parties and Ghana became a one-party state. As a result of bad governance and economic mismanagement, the military overthrew the administration. From that time onwards, the political

history of Ghana was characterized by military coups, punctuated by short periods of democratic rule from 1969 to 1972 and from 1979 to 1981.

However, since re-democratization in 1993, Ghana has achieved political stability. It is held to be a shining star of a successful democracy in SSA. It has organized six successful elections and two have resulted in the alternation of political power from the NDC to the NPP in 2001 and from the NPP to the NDC in 2009. In times of crises, state institutions such as the Executive, Parliament, the Judiciary and other bodies have demonstrated their resilience to protect the democratic process. In addition, unlike other SSA countries where opposition political parties vanish after general elections only to emerge on the eve of another general election, political parties in Ghana have served as very effective opposition to each other. Moreover, civil society groups have played a role in the democratic process and their capacity to influence public policy has increased. In other words, just as the condition for a well- functioning democracy existed in the immediate aftermath of independence, Ghana once again has the necessary condition to sustain a well-functioning democracy. There is great optimism that so far Ghana has succeeded where many other SSA countries have failed. But, would democracy continue to flourish and eventually consolidate?

The next chapter discusses the concept of democratic consolidation, the element used for the analysis in this thesis and the justification for their selection. It also discusses Huntington's model of organizational institutionalization and Mainwaring and Scully's model of party system institutionalization which will be used to assess the degree of the institutionalization of the political parties and the party system in chapter four.

CHAPTER THREE

THE CONCEPT OF DEMOCRATIC CONSOLIDATION

3.0 WHAT IS DEMOCRATIC CONSOLIDATION?

It is generally accepted in the literature that there is no agreement on the precise definition of democratic consolidation. However, one of the most influential definitions was provided by Linz and Stepan (1996). According to them, a democratically consolidated regime is “a political regime in which democracy as a complex system of institutions, rules, and patterned incentives and disincentives has become in a phrase, 'the only game in town’” (Linz and Stepan, 1996:13-14). They further assert that democratic consolidation is a particular, institutionalized form of democracy and a procedural system with the following characteristics: (i) open political competition (ii) several freely competing parties and (iii) an array of civil and political rights guaranteed by law. In their opinion, political accountability is critical and functions principally through the relationship between voters and their elected representatives (Haynes, 2003:50). Therefore, in their view, democratic consolidation goes beyond election and electoral results but a democracy is consolidated when it becomes the only game in town in three dimensions. These dimensions are behavioral, attitudinal and constitutional.

Behaviorally, a democracy is considered as the only game in town “when no significant political group seriously attempts to overthrow the democratic regime or to promote domestic or international violence in order to secede from the state.” Attitudinally, a democracy is said to have become the only game in town “when, even in the face of severe political and economic crises, the overwhelming majority of the people believe that any further political change must emerge from within the parameters of democratic procedures.” And finally, a democracy becomes the only game in town, constitutionally, “when all the actors in the polity become habituated to the fact that political conflict within the state will be resolved according to the established norms, and that violations of these norms are likely to be both ineffective and costly” (Linz and Stepan, 1996: 15).

In summary, democratic consolidation leads to an institutionalization of democratic processes and practices. It becomes manifested when an overwhelming majority of political elites and

ordinary citizens agree that democratically agreeable arrangements are the only suitable ways to resolve political conflict (Haynes, 2003: 50).

This definition by Linz and Stepan is so influential that in *Consolidating The Third Wave Democracies: Themes and Perspectives*, Diamond (1997) asserts that almost all the contributors to the volume converge on an understanding of democratic consolidation as “a discernible process by which the rules, institutions, and constraints of democracy come to constitute “the only game in town,” the one legitimate framework for seeking and exercising political power” (Diamond, 1997: xvi-xvii).

3.1 ANALYTICAL FRAMEWORK

The analytical framework for analysis in this thesis contains three elements. These are state institutions, the institutionalization of political parties, and party system and civil society.

3.1.1 STATE INSTITUTIONS

Many studies on the importance of state institutions in the democratic process tend to include an array of institutions. However, this thesis is concerned with state and democratic institutions which are political in nature. As O'Donnell intimates, those state and democratic institutions are political institutions because “they have a recognizable, direct relationship with the main themes of politics: the making of decisions that are mandatory within a given territory, the channels of access to decision-making roles, and the shaping of the interests and identities that claim such access”(O'Donnell, 1994:57). In this regard, the most prominent state institutions which have a direct role to play in decision-making that are mandatory within a given territory are the three branches of government, the Executive, Parliament and the Judiciary. Decisions made by these institutions within the confines of the Constitution are binding and any attempt to disregard them may come with some consequences. In addition to the three branches of government, the Electoral Commission and the Human Rights Commission are also indispensable in assessing democratic consolidation in SSA countries. They play a very important role in upholding and defending the three characteristics of an institutionalized democracy enumerated by Linz and Stepan above.

In every democracy, state institutions derive their mandates from the Constitution or other legislation that established them. They are expected to operate within the confines of the law for

their actions to be considered legitimate. However, in most SSA countries, the tendency has been for some institutions to operate outside of the law and abuse the power conferred on them. When these institutions exercise their mandates in accordance with the law, they enhance the prospect of consolidating democracy. Conversely, when they abuse their power and undermine the Constitution or the law which is the legal basis of their existence, democracy is threatened and undermined. For example, following the re-democratization in early 1990s, many constitutions of SSA countries operate on the principle of separation of powers, checks and balances between the Executive, Parliament and the Judiciary. However, in many countries, the Executive has disproportionate power which enables it to undermine and manipulate other state institutions and bodies whose independence is supposed to be guaranteed by the Constitution.

Again, most presidents refuse to comply with their Constitutions and rule on their whims and caprices and operate with the principle that constitutional rules or administrative procedures can, and probably ought, to be evaded (Posner and Young, 2007:127). For example, they have undermined and co-opted Parliament and connived with the Judiciary to harass and intimidate political opponents. As Linz and Stepan intimate, no regime should be considered a democracy unless its leaders govern democratically. Therefore, “if freely elected Executives (no matter what the magnitude of their majority) infringe the Constitution, violate the rights of individuals and minorities, impinge upon the legitimate functions of the legislature, and thus fail to rule within the bounds of a state of law, their regimes are not democracies” (1996:15).

In addition, Parliament and the Judiciary must operate within the confines of the law. They must assert their independence and not succumb to the pressure from Executive. However, some Parliaments in Africa have succumbed to the whims of the Executive and do not exercise any oversight. They have been more than willing to endorse and rubber stamp any proposal presented to them by the Executive. Some have undermined the Constitution and have given presidents extensive powers. In some cases they had voted to remove the provisions that limit presidential terms. For example, in 2005, Parliament in Uganda voted overwhelmingly to remove the presidential term limit to allow President Museveni stay in power indefinitely. President Museveni was able to get the 322 MPs needed for the constitutional amendment through the free use of bribery, blackmail and naked intimidation. These tactics employed by Museveni against the MPs were effective because of his manipulation of political patronage and

the desire by the MPs to access the political patronage to enable them provide clientelistic goods to their constituencies to secure re-election (Mwenda, 2007: 24). But the role of Parliament in the democratic consolidation process was manifested on May 16, 2006 when after months of intensive and divisive national debate, the Nigerian Senate upheld the supremacy of the Constitution and rejected a bill which would have lifted the presidential term limit to allow President Obasanjo to run for a third term (Posner and Young, 2007: 126). This is an indication that a very strong Parliament has a role to play in protecting the democratic process.

Moreover, the function of the Judiciary in protecting and defending the Constitution by upholding the principles of the rule of law makes it an indispensable institution in every country's democratic process. This requires the Judiciary to dispense justice without fear or favor and to protect the rights of citizens that are supposed to be guaranteed by the Constitution.

Further, it is the responsibility of the Electoral Commission to conduct free and fair elections and not bow to pressure from any other state institution to manipulate election results in favor of any party. The credibility of the Electoral Commission is very important because it influences the level of confidence that political parties have in the electoral process.

Finally, the enjoyment of civil and political rights by the citizens as observed by Linz and Stepan is basic for the existence of democracy. Therefore the function of the Human Rights Commission of protecting and promoting human rights makes it an important institution in any democratic dispensation.

From the above discussion, it is clear that the proper functioning of state institutions is very important in assessing the extent of democratic consolidation in any country in SSA.

3.1.2 THE INSTITUTIONALIZATION OF POLITICAL PARTIES AND THE PARTY SYSTEM

The second element in the analytical framework is the institutionalization of the political parties and party system. Institutionalization according to Huntington refers to the “process by which organizations and procedures acquire their value and stability” (1968:18). Panebianco sees institutionalization as “the way organization solidifies” (1988:49). He also defines institutionalization in a broader term to mean “where an organization slowly loses its character as a tool: it becomes valuable in and of itself, and its goals become inseparable and indistinguishable from it” (Panebianco, 1988: 53).

Though there is the tendency in the literature to assume that individual party institutionalization will lead to the institutionalization of a party system, the relationship between the two phenomena is not automatic. For example, Randall and Svåsand argue that at the time when the Mexican party system had been institutionalized, no other party was institutionalized apart from the Institutional Revolutionary Party (PRI) because it was the only party that had a realistic chance of winning power (Randall and Svåsand, 2002:6). However, it is implicit in the Mainwaring and Scully's model that the institutionalization of political parties is a requirement for the institutionalization of a party system. Mainwaring and Scully define a party system as "the set of patterned interactions in the competition among parties." For Mainwaring and Scully, any discussion of the contribution of a party system to democratic consolidation must entail some form of competition among at least two political parties because a single party cannot form a system and a system has more than one component (Mainwaring and Scully, 1995:4).

3.1.3 HUNTINGTON'S MODEL OF PARTY INSTITUTIONALIZATION

In order to measure party institutionalization, this thesis adopts the model of institutionalization developed by Huntington (1968). According to Huntington, there are four dimensions of institutionalization. These are adaptability, complexity, autonomy and coherence. Adaptability, according to Huntington refers to the ability of an organization to respond adequately to changes within its environment. Adaptability is also a function of an environmental challenge and age. In other words, the more challenges an organization has had to deal with and the greater its age, the more adaptable it would be. If an organization does not confront any challenge and it is relatively younger in age, it cannot be said to have adapted. According to Huntington, age as a measure of adaptability of an organization can be measured in three ways. The first is chronological age, which has to do with how long an organization has been in existence. The longer an organization has been in existence, the higher its level of institutionalization (Huntington, 1968: 13). The second is generational age, because "so long as an organization has its first set of leaders, so long as a procedure is still performed by those who first performed it, its adaptability is still in doubt" (Huntington, 1968: 14). An organization can be considered as highly institutionalized if it is able to survive the problem of peaceful succession and substitute one set of leaders with another. Huntington is of the view that, to some extent, generational age is a function of chronological age. However, he also acknowledges that a political party can be under the leadership of one generation for a very long time if the founders of the party were very young. In addition, an

organization can change one set of leaders with another without changing generations (Huntington, 1968: 14). Third, the adaptability of an organization can be measured in functional terms. An organization is considered highly institutionalized if “it has survived one or more changes in its principal function” (Huntington, 1968: 15-17). Functional adaptability, as Huntington argues, and not functional specificity is the hallmark of adaptability of any organization. If an organization is established for a particular purpose and if that purpose is accomplished or achieved or is no longer needed, either the organization finds and pursues another purpose to exist or that organization is bound to face crisis which will eventually lead to its demise. For example, a political organization set up for anti-colonial struggle must necessarily adapt to its new environment once political independence is achieved or it will find it difficult to exist in a post-independence environment (1968: 15-17).

The second dimension of institutionalization in Huntington’s model is complexity. This involves “both the multiplication of subunits, hierarchically and functionally, and the differentiation of separate types of organizational subunits” (Huntington, 1968:19). Complex organizations are highly institutionalized because “the greater the number and variety of subunits, the greater the ability of the organization to secure and maintain the loyalties of its members” (Huntington, 1968:19). Besides, an organization that has diversified purposes and objectives is better able to adjust itself to the loss of any one purpose than an organization with a single purpose. Simple organizations depend on one individual for their survival, are least stable and degenerate very easily. This happens because they lack the organizational and the institutional complexity and diversity to enable them survive during crisis (Huntington, 1968:19).

The third dimension of institutionalization in Huntington’s model is autonomy. This refers to “the extent to which political organizations and procedures exist independently of other social groupings and methods of behavior” (Huntington, 1968:20). A political organization is considered autonomous and institutionalized if it has an integrity of its own and is differentiated from the impact of non-political groups and procedures. The institutionalization of a political organization, in the sense of autonomy, in the words of Huntington means “the development of a political organization and procedures that are not simply the expression of the interests of particular social groups” (Huntington, 1968:20). Any political organization would lack

autonomy and institutionalization if it is the instrument of any particular social group whether it is a clan, family, ethnic community or class.

Again, autonomy means strict adherence to the rules and procedures of an organization and protection from penetration or participation by other social groups without obeying or acquiescing to the established rules and procedures. In other words, the extent of autonomy of a political organization is measured by the extent to which it is able to distinguish its interests and values from those of other institutions and social forces. According to Huntington, a political organization “that expresses the interests of only one group in society – whether labor, business or farmers – is less autonomous than one that articulates and aggregates the interests of several social groups” (Huntington, 1968:20). For example, political parties interact with various groups and interests in society and then aggregate these interests in the form of policy proposals and articulate them either through advocacy if in opposition or implementation if in government. It is therefore, impossible for political parties to insulate themselves completely from societal influences but if a political party exists as an instrument of a particular social group, then that political party is not institutionalized. An institutionalized political party expresses the interests of a broad spectrum of people within a society and not just a narrow and parochial interest of a few people.

The last measure of institutionalization in Huntington’s model is coherence. According to Huntington, “the more unified and coherent an organization is, the more highly institutionalized it is; the greater the disunity of the organization, the less it is institutionalized” (Huntington, 1968:22). Coherence is measured by the level of consensus within an organization because effective organization needs some minimum level of consensus on the functional boundaries of a group and procedures for conflict resolution within the group. What differentiates participants in a group from non-participants is the fact that non-participants do not share the consensus of a group (Huntington, 1968:22).

3.1.4 MAINWARING AND SCULLY’S MODEL OF PARTY SYSTEM INSTITUTIONALIZATION

To measure a party system institutionalization, this thesis also employs the model developed by Mainwaring and Scully (1995). Though this model was developed to examine the contribution of a party system institutionalization to democratic consolidation in Latin America, it has been

used to examine the contribution of a party system institutionalization in SSA (Sandbrook , 1996; Kenzi and Lambright, 2001).

According to Mainwaring and Scully, four conditions must be satisfied before a political system can be considered institutionalized. First, there must be stability in the rules and nature of inter-party competition. In other words, there must be some form of regularity in party competition. Second, political parties must have stable roots in society. A political party is said to have a stable root in society if it structures political preferences over a long time and has a connection or linkage with the way people vote. Political parties with stable roots in a society help citizens to understand what major parties represent which structures and shapes their choices in a regular manner. Third, a party system is considered institutionalized where major political actors accord legitimacy to the electoral process and to political parties. In other words, political elites see the electoral process as the only legitimate means of acquiring political power and base their expectation on the fact that elections are the only means of acquiring power to govern. Finally, a party system is considered institutionalized if the organization of the party matters. Political parties in an institutionalized political system are autonomous and not subordinate to the interests of any sectional group or persons. Political parties become institutionalized and autonomous if their structures are firmly established, are territorially comprehensive, are well-organized and have resources of their own (Mainwaring and Scully, 1995: 5).

The degree of the institutionalization of the political parties and the party system in Ghana will be assessed in chapter four using these models.

3.2 CIVIL SOCIETY

The third element in the framework is civil society. Diamond (1997) defines civil society as “the realm of organized intermediary groups that are voluntary, self-generating, and independent of the state and the family, and bound by a legal order or set of shared rules” (Diamond, 1997: xxxii). For Carothers (2000), civil society is a broader concept, encompassing all the organizations and associations that exist outside of the state. It includes the range of organizations that political scientists normally refer to as interest groups - not just advocacy groups, but also labor unions, professional associations such as those of doctors and lawyers,

chambers of commerce, ethnic associations, and others. It also includes many other associations that exist for purposes other than advancing specific social or political agendas, such as religious organizations, student groups, cultural organizations from choral societies to bird-watching clubs, sports clubs, and informal community groups (Carothers, 2000: 19). Linz and Stepan (1996) define civil society as that “arena of the polity where self-organizing and relatively autonomous groups, movements, and individuals attempt to articulate values, to create associations and solidarities, and to advance their interests” (Linz and Stepan, 1996: 16). Creating a condition for the flourishing and development of freely and lively civil society is one of the most important conditions towards consolidation of democracy (Linz and Stepan, 1996: 16).

The role and contribution of civil society and interest groups in the democratic process in Ghana will be examined in chapter four.

3.3 JUSTIFICATION FOR THE FRAMEWORK

As indicated already, there are so many elements of democratic consolidation yet the above framework contains only three. The question that naturally follows is why these elements but not others? Taking the Ghanaian political and electoral history into consideration, these three elements are indispensable for an understanding of the democratic process. State institutions, the institutionalization of the political parties and party system and civil society are fundamental to the understanding of the crises that characterized Ghana’s political and electoral history from 1957 to 1992. For instance, in the First Republic under Nkrumah, the manipulation of state institutions, particularly Parliament which acquiesced to the Executive led to the emergence of the presidential dictatorship.

Again, in the Second Republic under Prime Minister Busia, flawed constitution produced an electoral system that exacerbated the ethnic and political divisions in the country which eventually led to the overthrow of the administration. Similarly, in the Third Republic under President Hilla Limann, ineffective and rusty state institutions due to neglect because of prolonged years of military dictatorship led to the political stalemate and impasse between the Executive and Parliament. The military took advantage of the political stalemate to overthrow the administration.

The importance of state institutions and institutional design has received considerable attention, and it has been proven that constitutional framework and institutional design are indispensable for democratic consolidation (Stepan and Skatch, 1993). Government officials and political leaders have the tendency to abuse democratic procedures and norms and this invariably causes democratic alienation, de-legitimation, and democratic breakdowns. The effect of this has been the use of violence by those actors who see themselves as marginalized and alienated. For a democracy to stem the tide of this kind of abuse by political actors, strong and well-designed institutions become imperative (Diamond, 1997: xxii-xxiii). It is in this vein that the three branches of government must be very effective and strong in any democratic dispensation. For instance, a democratically elected Executive that operates within the ambit of the law, respects the jurisdiction and independence of other state institutions is likely to be considered more legitimate than an Executive that abuses its power. Again, Parliament, considered as the heartbeat of democracy in Africa (the existence of Parliament gives meaning to democracy in SSA countries because it has been the main casualty of military coups) which effectively represents the interest and will of its constituents will elicit the support of the masses even under political crisis. Also, an independent and impartial Judiciary that dispenses justice without fear or favor would serve as the last resort in protecting democracy under difficult circumstances. Above all, if these institutions work very well and check the abuse of power, they will entrench horizontal accountability. Further, if these institutions perform their respective functions according to the Constitution, they will deliver political goods such as the protection of civil liberties and political freedom, as well as the rule of law.

Also, the Electoral Commission is a key democratic institution. In the literature on the importance of the role of the Commission in the democratic process, emphasis is often placed on the electoral system and electoral process. However, in most SSA countries where there is a Commission established to oversee the conduct of all public elections, the independence and credibility of that body is fundamental to the credibility and legitimacy of the electoral process. Therefore, the conduct and fairness of the Commission is important. The conduct of some Electoral Commissions was a decisive factor in how the outcomes of elections were viewed by opposition parties. In Kenya, Zimbabwe, Nigeria, Uganda, and other SSA countries, democracies become a façade because Electoral Commissions connived with incumbent leaders to perpetuate widespread electoral malpractices and rigged elections. For example, the 2007

post-election violence which led to the breakdown of democracy in Kenya was blamed on the Electoral Commission of Kenya (Cheeseman, 2008:166, Steeves, 2011: 456).

Again, in Nigeria, widespread electoral malpractices perpetuated by the Independent National Electoral Commission provoked post-election violence which compelled President Yar'Adua to promise in his inaugural speech to create an Electoral Reform Committee to reform and overhaul the electoral process (Onwudiwe and Berwind-Dart, 2010: 2). Also, in 2008, allegations of fraud allegedly masterminded by some members of the Zimbabwean Election Commission and the resignation of others, as well as increase in election violence compelled the opposition Movement for Democratic Change (MDC) to withdraw from a second round of presidential elections scheduled for June 27, 2008. That was after the Movement for Democratic Change and the Zimbabwean African National Union - Patriot Front (ZANU-PF) failed to secure more than 50 percent of the votes in the first round held on March 29, 2008 (Amnesty International, 2008).

However, in 2010, the president of the Independent Electoral Commission of Cote d'Ivoire refused to allow the result of the presidential election to be manipulated by the incumbent president, Laurent Gbagbo. He went ahead to declare the main opposition leader, Alassane Quattara, as the winner. On the basis of that declaration, the International Community backed the legitimacy of Alassane Quattara and forced Laurent Gbagbo out of office.

Based on the above discussion, the conduct of the Electoral Commission is very important in the democratic process. Further, according to the result of the Afrobarometer Survey Round 4, trust in National Electoral Commissions had increased over the years with an increase in the quality of elections in Africa (Little and Logan, 2008:13).

The Human Rights Commission as a national human rights institution assists in deepening democracy and good governance by increasing the accountability of government. As a domestic human rights institution, it serves as a mechanism for domestic implementation of international human rights conventions and helps in strengthening human rights protection (Reif, 2000:1).

The institutionalization of the political parties and party system is very important because of their role in the democratic process. From 1966 to 1981, in the absence of an institutionalized political parties and party system, most political actors in Ghana did not accord legitimacy to

the electoral process and connived with the military to overthrow all democratically elected governments. In most cases, political competition was not free and fair and hence uncertain. For instance, in the First Republic, politicians of the Danquah/Busia tradition connived with the military to overthrow the Nkrumah administration because of the one-party state and the absence of political competition, especially following the cancellation of the 1964 elections. In the Second Republic, politicians of the Nkrumahist tradition subtly encouraged the military to overthrow Prime Minister Busia's administration because most Nkrumahist politicians were banned from contesting the 1969 general election as a result of the adverse findings made against them by the Assets Commissions and Commissions of Enquiry established by the NLC military regime in 1966.

Although several studies have pointed to the abysmal and disappointing performance of political parties in Africa (Sandrook, 1996, Randvall and Svåsand, 2002:23), it is precisely because of their weak structures and inability to reach out to the wider population, especially in the rural communities, that make them dysfunctional (Olukoshi, 1998: 19). However where political parties are institutionalized, their contribution in deepening democracy is not in doubt. Political parties play the role of political recruitment and socialization which enable citizens to participate in the political process. Effective participation by citizens is fundamental to any democracy and institutionalized political parties guarantee such participation. Furthermore, political parties are indispensable because of the role they play in governance in the area of interest aggregation and articulation, political communication and education. In a system where political parties fail in these functions, personalized and clientelistic rule become the norm (Webb and White, 2007: 15-16, 363-365). Again, institutionalized political parties are important because they are the primary actors in the electoral arena, providing access to political power and hence controlling government apparatus for policy-making and implementation by winners of elections. They are vehicles for representing groups in society and are fundamental actors in shaping the political landscape (Mainwaring and Scully, 1995: 2-3).

Civil society groups have been part of Ghana's political terrain since the days of the Aboriginal Rights Protection Society (ARPS), established in 1897 as a protest movement against the decision by the British colonial authorities to invest all lands in the Gold Coast (Ghana) with the British Crown. In the post-independence era, in the absence of political parties under successive

military regimes, civil society groups served as formidable opposition and waged relentless campaigns against military dictatorship. Since 1993, the number of civil society and interest groups had increased because the 1992 Constitution guarantees the freedom of association.

It has been suggested that civil society groups may sometimes be disruptive in the democratic process as happened with the collapse of the Weimar Republic in Germany (Berman, 1997:402). Or when they make positive contribution in the democratic process, it does not go beyond the transition period (Schmitter, 1997:242) but their contribution and presence as a prerequisite for democratic consolidation process is immense (Putnam, 1995, Linz and Stepan, 1996:17). In relation to Africa, Bratton has suggested that civil society groups and associational life have been vibrant and basic to the life of the people in the absence of the state or because of the weakness of the state (Bratton, 1989: 411). Civil society groups perform the same functions as political parties except that they do not intend to capture political power, which is the ultimate aim of political parties. Where civil society groups are vibrant, their contribution to democratic consolidation is very important. They are one of the main avenues for political participation for many people in Africa, especially for rural dwellers, who are only remotely important to political parties except during elections.

3.4 CONCLUSION

Though democratic consolidation is one of the most widely used concepts in the comparative development literature, it is generally accepted that it is not amenable to a simple definition. This lack of common definition has affected the way it is studied both as a concept and as a phenomenon. This study, nevertheless, has relied on one of the most influential definitions and based on this, three elements: state institutions, the institutionalization of the political parties and party system, and civil society and interest groups have been incorporated in the analytical framework developed for this thesis. It is this framework that will be used to assess the extent of Ghana's democratic consolidation in the next chapter

CHAPTER FOUR

TOWARDS DEMOCRATIC CONSOLIDATION IN GHANA: THE ROLE OF STATE INSTITUTIONS, THE INSTITUTIONALIZATION OF THE POLITICAL PARTIES AND PARTY SYSTEM, AS WELL AS CIVIL SOCIETY

4.0 INTRODUCTION

This Chapter examines Ghana's democratic progress using the July 2012 presidential succession and the December 2012 general elections. The chapter is divided into four sections. Section one provides a brief background discussion to the 1992 Constitution. It discusses the role of state institutions in Ghana's democratic consolidation process. The section then examines the mandates of state institutions, how effectively they have discharged these mandates and their contribution to the democratic process in the performance of their functions. It also examines the challenges faced by these institutions in contributing to the democratic consolidation process and how these challenges can be addressed. Section two traces the evolution of the political parties and party system under the 1992 Constitution. It further examines whether or not the political parties are institutionalized by using Huntington's model of institutionalization and how effectively they have played their role in contributing to the democratic process. The section also examines whether or not the de facto two-party system is institutionalized by using Mainwaring and Scott model of party system institutionalization. Section three assesses the contribution of civil society and interest groups to the country's democratic process. It also discusses the challenges and constraints faced by civil society and interest groups in contributing to the democratic process and how these challenges can be addressed. Section four is a brief discussion of some of the observations, findings and recommendations of the Constitution Review Commission (CRC) established in 2010 with the mandate to collate views, review the 1992 Constitution and make recommendations for amendments. This section examines whether the recommendations by the CRC address some of the flaws in the Constitution which hamper the effective functioning of state institutions and the political system in general.

SECTION ONE

4.1 A BRIEF HISTORY OF THE 1992 CONSTITUTION OF GHANA

As part of the transition to democratic rule, the Provisional National Defense Council (PNDC) military regime in 1990 established the National Commission for Democracy under the chairmanship of Justice Francis Annan. The Commission was mandated to collate views on the type of participatory democracy Ghana should adopt. In line with its mandate, the Commission organized regional fora across the country and submitted its report to the PNDC on March 25, 1991. The report titled "Evolving a True Democracy" recommended a return to multiparty politics and the exclusion of the military from any active party politics. In response to the report, the PNDC on May 30, 1991 issued a white paper and established a nine-member Committee of Experts. The Committee under the chairmanship of an eminent Ghanaian jurist, Dr. SKB Asante, was mandated to make proposals for a Constitution based on the recommendations of the National Commission for Democracy and on previously abrogated Constitutions of Ghana of 1957, 1960, 1969 and 1979 and other sources of law (Gyimah-Boadi, 1991: 5).

The Committee made its proposals for a Constitution and submitted its report to the PNDC. Afterwards, the PNDC appointed a 260 member Consultative Assembly "made up of 117 representatives from the District, Municipal and Metropolitan Assemblies (MMDAs), 121 representatives of various 'recognized' public organizations and associations and 22 government appointees" (Gyimah-Boadi, 1991:6). However, the Ghana Bar Association and some professional groups protested the composition of the Consultative Assembly because of a deliberate attempt by the PNDC to exclude its opponents and control the process. But the protests were rejected by the PNDC and so the Bar Association and other professional groups boycotted the process (Frimpong, 2007: 20).

However, the Consultative Assembly asserted its independence and produced a draft Fourth Republican Constitution which was different in many ways from the proposals made by the Committee of Experts. The draft Constitution was approved in a referendum held in April 1992 and it was promulgated in January 1993 following the inauguration of the Fourth Republic.

The next sub-section discusses the constitutional basis of the Executive, Parliament, the Judiciary, the Electoral Commission and the Commission on Human Rights and Administrative

Justice (CHRAJ), how they have performed the functions assigned to them by the Constitution and the challenges they face in the performance of their functions.

4.2 THE CONSTITUTIONAL BASIS OF STATE INSTITUTIONS AND THEIR CONTRIBUTION TO THE DEMOCRATIC PROCESS

The 1992 Constitution provides the legal framework for state institutions. These institutions include the Executive, Parliament, the Judiciary, the Electoral Commission and the CHRAJ. Each state institution has specific functions and powers assigned to it by the Constitution. The constitutional basis of the functions and how state institutions have performed these functions, their contributions to the democratic process and the challenges they face in the performance of their functions are examined below.

4.2.1 THE EXECUTIVE AND THE 1992 CONSTITUTION

Article 57 (1) of the Constitution provides for an Executive president who is also the commander-in-chief of the Ghana Armed Forces. The president is directly elected by the people for a four year term and is eligible to run for two terms only. If for any reason the president is not able to complete his term, the vice-president, who is elected together with the president, assumes office and completes the unexpired term. Before the president assumes office, he subscribes to the oath of office administered by the chief justice before Parliament. Article 58 (1) vests the Executive authority of the state in the president. Because the Constitution provides for a hybrid or semi-presidential system, the president is empowered by Article 78 to appoint ministers of state from among MPs, or persons qualified to be elected MPs with a majority of them from among MPs. Such appointment can only be done with the prior approval by Parliament. There is no upper limit on the number of ministers that can be appointed by the president as the Constitution empowers him to appoint such number of ministers of state as may be necessary for the efficient running of the state. Also, the president appoints deputy ministers of state in consultation with relevant sector ministers with the prior approval by Parliament with the same qualification as that of ministers of state.

However, not all ministers of state are members of the cabinet because the Constitution imposes a restriction on its composition. According to Article 76 (1), the members of the cabinet are appointed by the president. The cabinet, comprising the president, the vice-president and not less than 10 and not more than 19 ministers of state with a mandate to assist the president in the

determination of the general policy of the government. Article 77 (1) empowers the president to summon and preside over all the meetings of the cabinet and in his absence, the vice-president presides. However, because the role of the cabinet is advisory, the president is not bound by its decisions.

Among the executive powers conferred on the president is the power to make most public sector appointments as stipulated under Article 70 (1). For example, the president has the power to appoint the commissioners and deputy commissioners for the CHRAJ, the auditor general, the administrator of the district assembly common fund, the chairpersons and other members of the public services commission; the governing bodies of public corporations, the national council for higher education and the holders of such other offices that the Constitution prescribes. In addition to these appointments, the president is mandated by Article 70 (2) to appoint the chairperson, the deputy chairpersons and other members of the Electoral Commission. Article 74 (1) empowers the president to appoint persons to represent Ghana abroad. Apart from the chairperson and deputy chairpersons and members of the Electoral Commission, as well as the commissioners for the CHRAJ, whose independence are supposed to be guaranteed by the Constitution, the rest are beholden to the president for their appointments. It must be noted that the Constitution does not give Parliament any role in these appointments. It only requires the president to consult the Council of State before the appointments are made. However, the Council is an advisory body, whose mandate according to Article 89 (1) is to counsel the president in the performance of his functions. The president is not bound by the advice of the Council. In addition, 14 out of the 25 members of the Council are appointed by the president. Ten of the eleven other members are the representatives from each of the 10 regions of the country who are elected by an electoral college comprising two representatives from each district in the region nominated by the District Assembly in the region. The other member is the president of the National House of Chiefs who is an automatic member of the Council by virtue of his position.

4.2.2 THE CONTRIBUTION OF THE EXECUTIVE TO THE DEMOCRATIC PROCESS

Since Sub-Saharan African (SSA) countries began the re-democratization process in the early 1990s, one state institution that has undermined Africa's democratic process is the Executive with the connivance of Parliament. In many instances, SSA heads of state such as Presidents

Idriss Déby of Chad, Omar Bongo of Gabon, Lansana Conté of Guinea, Samuel Nujoma of Namibia, Gnassingbé Eyadéma of Togo, and Yoweri Museveni of Uganda have successfully manipulated their Constitutions and the electoral processes to stay in power longer than their Constitutions allow (Posner and Young, 2007:133). Manipulation of the Constitutions took the form of seeking amendments to the two term limits, a common feature of the democratic Constitutions adopted by SSA countries in the early 1990s (Vencovsky, 1997). Manipulation of the Constitutions has led to the personalization of political power in most countries in SSA (Tangri, 2005; Posner and Young, 2007; Maltz, 2007).

However, other presidents such as Frederick Chiluba of Zambia, Bakili Muluzi of Malawi, Olusegun Obasanjo of Nigeria (Posner and Young, 2007:133) and Abdulai Wade of Senegal were unsuccessful in their efforts. Others such as Mathieu Kérékou of Benin, António Monteiro of Cape Verde, Daniel arap Moi of Kenya, Alpha Konaré of Mali, Joaquim Chissano of Mozambique, Miguel Trovoada of Sao Tomé and Príncipe, France-Albert René of Seychelles, and Benjamin Mkapa of Tanzania rejected calls by their supporters to stay beyond the two terms and abided by their Constitutions.

In Ghana, the Executive has contributed in diverse ways to enhance the democratic process. For example, President Rawlings left office on January 7, 2001 when his two terms expired. He handed over power peacefully to John Kufour of the NPP when his vice-president and handpicked successor, John Atta-Mills, lost the December 2000 presidential election and the resulting run-off (Gyimah-Boadi, 2001). Again, in 2009, John Kufour complied with the Constitution when his two terms expired. When there was an attempt by some leaders of the NPP to seek an injunction from the court to restrain the EC from declaring the opposition NDC candidate, John Atta-Mills, as the winner of the December 2008 presidential election after the presidential election run-off, President Kufour issued a statement to urge all the parties to allow the EC to do its job. Despite the fact that the NPP lost by a slim margin in one of the most closely contested elections in Africa, President Kufour handed over power peacefully to the NDC on January 7, 2009 (Whitfield, 2009:652, Gyimah-Boadi, 2009: 145).

In addition, in July 2012, the Executive did very well in the manner it handled the presidential succession following the death of President Atta-Mills. President Atta-Mills was sick before he assumed office in January 2009. The status of his health was a major campaign issue during the

2006 presidential primaries of the NDC but that did not affect his chances. He won the NDC primaries and subsequently won the 2008 presidential election. However, his condition deteriorated when the workload of the presidency took a further toll on his health. His aides tried to keep the state of his health secret. They harshly criticized any person who suggested that the president was not well. But whenever the president travelled abroad for official trips (though many people suspected that most of these trips were for medical reasons disguised as official trips) or when he travelled obviously for medical checkups, he sent written communications to the speaker of Parliament in compliance with the Constitution. On July 24, 2012 when the presidency announced his death in the afternoon, he had sent a written communication to the speaker of Parliament of his intended trip to Lagos, Nigeria earlier in the morning.

In contrast to the situation in some African countries where the death of sitting presidents were kept secret and announced to the public after several days, the Executive in Ghana handled the situation differently. Shortly after the death of President Atta-Mills was confirmed, the chief of staff wrote to the speaker of Parliament and to the chief justice to inform them of the death. He also wrote to the security agencies. In addition, he issued a press statement to the public to urge everyone to remain calm and further disclosed that the vice-president, John Dramani Mahama, would address the nation in due course.⁴ Then later in the evening, the speaker reconvened an emergency session of Parliament and the chief justice administered the oath of office of the president to the vice-president. Thus, the government completed the succession in less than a day. Unlike the near presidential succession debacles that happened in Nigeria in 2010 following the death of President Umar Musa Yar'Adua (Zounmenou, 2010; Omotola, 2011), and in Malawi in April 2012 following the death of President Bingu Wa Mutharika (Dionne and Dulani, 2013), the presidential succession in Ghana was very smooth.

Again, the Executive has generally respected and upheld many of the fundamental human rights and freedoms enshrined in chapter five of the 1992 Constitution. As a result, Ghanaians enjoy a wide range of political rights and civil liberties such as freedom of speech, freedom of association and freedom of assembly. Judicial remedies such as writs of habeas corpus, certiorari and mandamus are respected and complied with by state institutions, agencies and bodies.

⁴Press statement issued by the chief of staff at the office of the president which confirmed the death of President Atta-Mills, <http://media.myjoyonline.com/docs/201207/President%20John%20Mills%20is%20dead.JPG> (accessed on November 10, 2013)

Currently, there are no political prisoners or prisoners of conscience in any detention facility in Ghana. Moreover, the unfettered freedom enjoyed by the media has led to the proliferation of print and electronic media. It had been flourishing since the repeal of the Criminal and Seditious Libel law in 2001. Newspapers, including two major state-owned dailies, publish frequently. As at 2012, there were 27 television and 150 FM stations, some of which are community radio stations broadcasting in local languages. Ghana is rated Free by Freedom House. In 2012, Ghana scored 28 on press freedom on a range of 0 = best to 100 = worst. On legal environment, Ghana scored eight on a scale of 0 = best to 30 = worst. Further, Ghana scored 10 on political environment on a scale of 0 = best to 40 = worst (Freedom House, 2012).

In addition, the Executive has complied with the provisions of the Constitution that requires some nominees to be approved by Parliament. For example, all ministerial and deputy ministerial nominees are submitted to Parliament for approval. There were instances when presidents had to reconsider their choices of ministerial nominees because of a negative evaluation by the Appointments Committee of Parliament (Gyimah-Boadi and Kwasi Prempeh, 2012: 96). Again, since 1993, the nominations of the chief justice and other justices of the Supreme Court were submitted to Parliament for approval. In 2012, the two persons, Justices Anthony Alfred Benin and Joseph Bawah Akamba, nominated as justices to the Supreme Court were names submitted to the president by the chief justice based on the recommendations by the Judicial Council. Moreover, the Executive has complied with rulings of the courts and it has filed appeals against the ones it considered unfavorable where it was convinced there were reasonable grounds for such appeals.

However, because the president is empowered to make almost every public sector appointment, he is seen as the central political patron with the power to distribute benefits to his allies and loyalists in exchange for political support. Political patronage and the distribution of spoils after an electoral victory are very important to politicians because they are means of securing new party financiers (Gyimah-Boadi and Kwasi Prempeh, 2012:101). Consequently, on the assumption of office, the president is preoccupied with taking control over the state, its apparatus and its resources. In doing this, the president also dispossesses his political opponents of the resources at their disposal. For example, when President Atta-Mills assumed office in January 2009, his first action was to issue an executive order dissolving governing boards of all

government organizations. He also ordered the suspension of all promotions, appointments, transfers and re-designations made by old boards until new boards were appointed to review them. Even heads and members of governing boards of public institutions who had fixed tenure of office were removed. For example, the appointments of Ken Attafuah, the head of the National Identification Authority, Africanus Owusu Ansah, a deputy commissioner of the Custom, Excise and Preventive Service, and Sam Okudzeto, a member of the board of the Bank of Ghana were terminated. Subsequently, the boards were reconstituted and filled with new members who were the political allies and loyalists of the president. Similar moves were made by President Kufour in 2001 when all heads of public institutions were asked to proceed on an indefinite leave (Ghana New Agency, 2001). Since he assumed office in July 2012, President Mahama has replaced most heads and members of governing boards of public institutions though most of these people were appointed when he was the vice-president. As a result of the vast appointments power, the president is able to establish an elaborate patron-client network and this informal relationships takes precedence over formal rules of politics which are supposed to guide the behavior of political actors.

Again, the dominance of informal rules weakens formal state institutions because the sustenance of patron-client relationships depends on the patron's ability to continuously supply neopatrimonial incentives such as jobs, contracts and kickbacks (Adu-Bempah Brobbey, 2013). In this regard, government contracts and jobs are offered to political clients of the president. This has led to the perpetuation of nepotism and corruption (Gyimah-Boadi, 2009:147). The overall effect of neopatrimonial politics is that it has hampered government's ability to effectively implement what were otherwise well-crafted social intervention programs. This is because the management of these programs is entrusted into the hands of political party apparatchiks, most of whom do not have the competence to effectively manage them. For example, the National Health Insurance Scheme (NHIS), the National Youth Employment Program (NYEP), which in 2009 was restructured and renamed the Ghana Youth Employment and Entrepreneurial Development Authority (GYEEDA), and the School Feeding Program (SFP) which were introduced by the Kufour administration and continued by the Atta-Mills and the Mahama administrations, have been overwhelmed by allegations of nepotism, corruption, and general mismanagement. Similarly, the Savannah Accelerated Development Authority (SADA), which was established by President Atta-Mills in 2009 to oversee the implementation of projects to bridge the

developmental gap between the northern and southern halves of the country, was also dogged by scandals. According to the 2012 Audit Report, most of the contracts awarded by the Authority were in contravention of the Public Procurement Act, 2003 (Act 663) as most of the contracts did not go through a competitive bidding process. Moreover, most of the companies which were awarded the contracts did not have the expertise and experience to execute the projects. For example, the Authority awarded an afforestation project contract worth millions of US dollars to a construction company, ACI Construction Company (Myjoyonline.com and Azure Awuni, 2014).

Moreover, the persistence of political patronage in which the president is expected to distribute incentives to his political clients has permeated every level of politics. Consequently, party foot soldiers who engage in political mobilization for their political party do so with the expectation that they would be rewarded when their party comes to power and sometimes, violently demand their share when the political elites fail to distribute incentives after winning an election.

Further, MPs in Ghana like their counterparts elsewhere in Africa have become more susceptible to the attraction of Executive patronage and control because of the fusion between the Executive and Parliament and because of the need for MPs to raise more resources to provide clientelistic goods such as school fees, wedding and funeral expenses to their constituents (Kwasi Prempeh, 2008: 116).

In order to check the president in the exercise of his executive powers, the Constitution assigns some oversight responsibilities to Parliament. The relationship between Parliament and the Executive and the extent to which Parliament has performed its functions and the challenges it faces in contributing to the democratic process are discussed in the following sub-section.

4.2.3 PARLIAMENT AND THE 1992 CONSTITUTION

Article 93 (1) of the Constitution provides for a unicameral Parliament, which consists of not less than 140 elected members. From 1993, there were 200 seats in Parliament but this number was increased to 230 in 2004. In 2012, 45 new constituencies were created by the Electoral Commission which increased the number of seats to 275. MPs are elected for a four year term in a single-member district using the first-past-the-post voting system. The legislative authority of the state is vested in Parliament by Article 93 (2) of the Constitution. The power to make laws is

exercised through bills passed by Parliament and assented to by the president. The president has no power to veto legislation. When the president refuses to assent to a bill, he is required to send a memorandum to the speaker of Parliament within 14 days stating which specific provisions of the bill he wants Parliament to reconsider. The memorandum must also contain his proposal for amendments, if any. Parliament is then required by Article 106 (9) to reconsider the bill by taking into account the comments made by the president. If a reconsidered bill is passed by a resolution supported by the vote of not less than 2/3 of all MPs, it is mandatory for the president to assent to it within 30 days after the passing of the resolution.

MPs and ministers of state can propose bills in Parliament. However, according to Article 108, bills with financial implication can only be introduced by, or on behalf, of the president.

Again, the Constitution gives Parliament an oversight over the Executive. For example, Article 78 empowers Parliament to approve the nominations of ministers and deputy ministers of state by the president. Parliament has the power to approve the nominations of the chief justice and other justices of the Supreme Court by the president as stipulated in Articles 144 (1) and (2). Again, the Constitution in Article 75 (2) empowers Parliament to ratify any international treaty, agreement or convention executed by or under the authority of the president. In addition, Parliament exercises oversight over the Executive through the control of the public purse. Accordingly, as per Article 178, the Executive cannot make any payment from the consolidated, the contingency and other public funds without the express approval by Parliament. According to Article 181, the Executive cannot enter into any agreement for the granting of loans out of any public fund or for the raising of loans without the authority of Parliament. Article 174 prevents the Executive from imposing any taxes on the people without the consent and approval by Parliament.

Furthermore, Article 179 empowers Parliament to approve the annual budget statement and economic policy of the government and make appropriation for government ministries, departments and agencies (MDAs). The Constitution also mandates Parliament to exercise oversight over the Executive through its committees. According to Article 103, the functions of the committees of Parliament include an investigation and inquiry into the activities of MDAs which may extend to proposals for legislation.

Finally, Parliament is empowered under Article 69 of the Constitution to initiate impeachment proceedings against the president. This is possible if he is found to have acted in willful violations of the oath of office and the provisions of the Constitution. Parliament can also remove the president from office if he is found to have conducted himself in a manner that brings his office into disrepute, ridicule, or contempt or if he is unable to perform his functions because of physical weakness of body or mind. To do this, Parliament is required to send a notice to the chief justice, which must be signed by not less than 1/3 of all the MPs. It should contain details of the conduct of the president for which he is being removed from office. Once the chief justice receives the notice, the rest of the impeachment proceedings are handled by a tribunal set up and chaired by the chief justice and made up of four other senior justices of the Supreme Court. It is the tribunal that determines the innocence or guilt of the president.

4.2.4 THE CONTRIBUTION OF PARLIAMENT TO THE DEMOCRATIC PROCESS

Since the inauguration of the first Parliament of the Fourth Republic on January 7, 1993, it has performed some of the functions assigned to it by the Constitution. That was especially the case since the then opposition parties, the NPP, the CPP, the PNC and a few independents entered Parliament in 1997 with about a 1/3 of the seats. The opposition boycotted the December 1992 parliamentary elections when it alleged that the November 1992 presidential election was fraught with many acts of electoral malpractices (Jeffries and Thomas, 1993: 363).

Through its representative function, Parliament serves as a forum where MPs articulate the interests of their constituents to influence the public policy-making process. In addition, Parliament has to some extent exercised its oversight over the Executive, its organs and agencies as mandated by the Constitution. It has performed this function through public hearings and the approval or disapproval of persons nominated by the president as ministers or deputy ministers of state. For example, in 1993, Parliament disapproved the nomination of Ekwow Spio-Garbrah by President Rawlings as a minister of state because he was not a registered voter as required by the Constitution. Again, in 2001, the minority in Parliament blocked the nomination of Hon. Osei Kufour as a deputy minister of state by President Kufour because he was sacked from his former employment for financial malfeasance. Also, in 2007, Parliament rejected the nomination of Reverend Akwesi Owusu-Bi by President Kufour as a deputy minister of trade. According to the

report of the Appointments Committee, the nominee was evasive and not truthful in his answers to the committee (The Statesman, 2007).

In performing its oversight, Parliament debates the State of the Nation addresses delivered by the president at the beginning of the year, approves the government budget statements and economic policies and passes appropriation bills for the MDAs. It scrutinizes and ratifies international loan agreements entered into by or on behalf of the government. Parliament, through its various select and standing committees, supervises all the MDAs and influences government policies and programs. The speaker of Parliament refers every bill laid before Parliament to the relevant select or standing committee. The committee discusses the bill with the sector minister, proposes amendment(s) where necessary and writes its report for the consideration of Parliament. For example, the parliamentary select committee on health was very instrumental in the passing of the National Health Insurance Act 2003 (Act 650). Again, following the discovery of oil in commercial quantities in 2007, the Mines and Energy, the Finance, the Subsidiary Legislation and the Constitutional, Legal and Parliamentary Affairs Committees worked assiduously to craft new legislation to regulate the oil sector. Among these is the Petroleum Revenue Management Act 2011 (Act 815).

Moreover, debates in Parliament have been lively since 1997 with an increasing near parity of seats between the NDC and the NPP (See Table 5 below). Controversial issues placed before Parliament by the Executive have generated vibrant debates and intense scrutiny by opposition MPs. For example, in 1997, Parliament vigorously debated the question of whether or not ministers need approval by Parliament to serve with a president in a second term. The Supreme Court settled the debate when it ruled that every ministerial nominee needs the approval by Parliament. Again, in 2001, Parliament scrutinized the proposal by President Kufour that Ghana should take advantage of the Highly Indebted Poor Countries Initiative by the IMF and the World Bank before the country joined the initiative (Myjoyonline.com, 2001). In 2008, there was a fierce debate in Parliament over the privatization and sale of the state-owned telecommunication company, the Ghana Telecom, to Vodafone BV. The transaction was finally approved exclusively by the majority side in Parliament (Uni Global Union, 2008). In 2011, the minority raised many concerns over a US\$3 billion Chinese Loan Agreement which compelled the speaker to defer the debate on the loan agreement for further deliberation by the Finance

Committee (Citifmonline.com, 2011). These debates have attracted public attention and interest. Therefore, the public is aware and educated about the activities of the Executive and Parliament by virtue of these debates.

Table 5: The Distribution of Parliamentary Seats from 1996 to 2012

Political Party	1996	2000	2004	2008	2012
NDC	133	92	94	116	147
NPP	61	100	128	107	123
PNC	1	3	4	2	1
CPP	4	1	3	1	1
IND	1	4	1	4	3
TOTAL	200	200	230	230	275

Source: African Elections Database, 2012

Also, parliamentary oversight has promoted horizontal accountability to some extent. In the exercise of this function, Parliament receives annual reports from the auditor general's department. These are audited reports of the income and expenditure of all government MDAs and publicly funded bodies and organizations. The Public Accounts Committee (PAC) summons those against whom the auditor general has made adverse findings to account for their stewardship before live television. Ministers of state and public officials are required to appear before the committee to answer questions. For example, in 2012, the PAC summoned a former Attorney General and Minister of Justice, Hon. Betty Mould Iddrisu, and officials of the Ministries of Justice and Attorney General and of Finance and Economic Planning. They had to explain the circumstance under which the state entered into a settlement agreement with Construction Pioneer (CP) Limited, a road construction company. That settlement agreement resulted in the payment of €94 million to CP for breach of contracts by the government of four

road construction projects awarded to CP in 1996. The former attorney general explained her role in the payment. She explained that once CP had won an international arbitration against the government, it is incumbent on the government to settle the matter otherwise interest would be accruing on the original amount.

Finally, MPs engage in constituency service. This service comes in two forms. The first is when MPs assist their constituents in their individual needs. The second is when MPs offer support on small development projects that provide constituents with public goods such as roads, water supply systems, schools, clinics and meeting halls (Barkan, 2008: 126). To provide this service, each Ghanaian MP is given five percent share of the District Assembly Common Fund (DACF). Currently, 7.5 percent of the state revenue is paid into the DACF, which is a local fund for the development of each district by a district chief executive, the equivalent of a city mayor. Each MP is required to identify a development project in his constituency to be financed with his share of the DACF. Though the provision of a community development project is important for constituents, most constituents tend to hold MPs more accountable for the provision of personal benefits or clientelistic goods (Lindberg, 2010: 123). Personalized clientelism includes the provision of "pocket money for the payment of bills or school fees, for the purchase of food items, monetary assistance for funerals and weddings or towards a start-up cost for small businesses or a farm; the purchase of roofing sheets is also a common request" (Lindberg, 2010: 123). Other requests come in the form of demand for jobs, especially lower rank jobs in the security services such as the police service, the fire service and the immigration service.

However, MPs share of the DACF are not paid directly to them but into a common fund account in the district. Therefore, MPs do not have direct access to the fund and rely on their personal income and money from other sources to provide clientelistic goods. In November 2012, MPs justified an increase in their salaries by the Executive with an excuse that a large portion of their salaries goes into "charity". MPs who are ministers of state are able to provide clientelistic goods because they are in a position to raise enough campaign funds from party financiers with a promise for a government contract in return. But MPs without ministerial portfolios also receive favors from the Executive in return for their support for very controversial bills, international loan agreements and other commercial transactions. For example, in 2008, the NPP MP for Asikuma-Odobeng-Brakwa constituency, Hon. Paul Collins Appiah-Ofori, alleged that each NPP

MP received US\$5000 for approving the sale of Ghana Telecom to Vodafone BV. He said because he was against the sale, he was not aware of the bribe until a colleague MP informed him. But the MPs vehemently denied that allegation. Moreover, Hon. Appiah-Ofori did not provide any evidence when he was summoned before the Parliament Committee of Privileges. But many people suspected that the allegation might be true because of the manner the sale agreement was rushed through Parliament. However, allegations of receiving bribes are not limited to ruling party MPs only. For instance, there are suggestions that even vociferous and vocal opposition MPs receive bribes from the Executive not to oppose controversial bills.

Again, incumbent MPs are under pressure to raise money to meet the growing demands for personalized and clientelistic goods because they risk losing their seats to new and wealthy entrants during party primaries. These are mostly those who had studied and worked outside Ghana, especially in Western Europe and North America, and had returned home to engage in active party politics. Their ability to outspend incumbent MPs has resulted in a high rate of turnover of MPs after every parliamentary election. The turnovers for the second, the third and the fourth Parliaments were close to 45 percent (Tsekpo and Hudson, 2009:9). The figure for the fifth Parliament was almost 50 percent but it declined to 40 percent for the sixth Parliament.

Moreover, during the 2012 parliamentary primaries, many incumbent MPs lost their bid to represent their parties in the 2012 parliamentary election. In an interview with *The Globe*, a newspaper based in Accra, incumbent MPs who won and those who lost their primaries complained that they were broke and accused their opponents of outspending them. For example, the NDC MP for Jirapa, Hon. Francis Dakora, told the newspaper that "primaries are killing our democracy because of the amount of money people spend just to get elected" (The Globe, 2012). The NDC MP for Sene, Hon. Twumasi-Appiah, who lost his re-election bid, accused some private companies of supporting his opponent but denied he was broke. An NPP MP who lost his re-election bid and spoke on condition of anonymity confessed to the newspaper that "You should not be surprised to hear I committed suicide. Universities are reopening within the next few days. I am broke to the extent that I may not be able to pay for my daughter to go" (The Globe, 2012). He hoped this confession, though on condition of anonymity would "provoke a national debate which would lead to a complete elimination of vote buying in our body politic" (The Globe, 2012).

However, this phenomenon continues because people believe that it is the moral duty of politicians to give "something" to their constituents. In Africa, it is the responsibility of family heads to help members of their community. That role of family heads has been incorporated into the informal functions of MPs who are seen as community leaders. Therefore, if they fail to perform that moral duty, they would be considered failures and would not be re-elected. The informalization of politics and the need for more resources put MPs at the mercy of Executive patronage and control. Instead of the relationship between Parliament and the Executive being regulated by formal rules which require Parliament to exercise oversight over the Executive, their relationship rather flows through the informal institution of the patron-client network. Thus, the informal dimension of the patron-client relationship undermines the rules of formal institutions and hampers Parliament's ability to exercise oversight over the Executive.

To give meaning to the principles of checks and balances and to ensure that state institutions comply with the Constitution, the Judiciary is mandated to, among other functions, review their actions and inaction. Other powers and functions of the Judiciary are discussed in the following sub-section.

4.2.5 THE JUDICIARY AND THE 1992 CONSTITUTION

Article 125 (2) of the Constitution vests the judicial authority in the Judiciary and it specifically states that neither the president nor Parliament or any organ or agency of the state shall have or be given final judicial power. Though the president through the exercise of the power of the prerogative of mercy or the act of clemency can grant amnesty to convicted criminals, this is not a judicial function. It is a special dispensation the president can grant to convicted criminals or other prisoners on humanitarian grounds or for the purposes of national reconciliation.

The chief justice is the head of the Judiciary and responsible for the administration and supervision of the Judiciary. In order to ensure that the Judiciary adjudicates cases without fear or favor, the Constitution contains many provisions that are supposed to guarantee and protect its independence. For example, Article 127 (1) insulates the Judiciary from the control or direction of any person or authority in the performance of its judicial and administrative functions, including financial administration. Further, according to Article 127 (2), in exercising their judicial functions, judges and judicial officers are protected from the interference by Parliament or the president or their agents. To ensure that the Judiciary is not beholden to the Executive in

terms of finances, its administrative expenses are charged on the consolidated fund as per Article 127 (4). Also, according to Article 127 (5), the remuneration of the justices of the Superior Courts (that is, the Supreme Court, the Court of Appeal and the High Court) or any person exercising judicial power cannot be altered to his disadvantage. Moreover, Article 127 (6) mandates the Executive to release to the Judiciary in quarterly installments funds charged on the consolidated fund and voted by Parliament.

However, the Executive has some influence over the Judiciary because Article 144 (1) empowers the president to appoint the chief justice in consultation with the Council of State, with the prior approval by Parliament. Again, as per Article 144 (2), the president appoints other justices of the Supreme Court on the advice of the Judicial Council, and in consultation with the Council of State with the prior approval by Parliament. In addition, the president appoints the justices of the Court of Appeal and of the High Court on the advice of the Judicial Council as per Article 144 (3). In order to ensure that the chief justice and other justices of the Superior Courts are not beholden to the president for their appointments, their tenure is guaranteed by the Constitution. For example, according to Article 145, the chief justice and other justices of the Superior Courts can retire at any time after attaining the age of 60. However, the chief justice and other justices of the Supreme Court and of the Court of Appeal must vacate office on attaining the age of 70 while the justices of the High Court must vacate office on attaining age 65.

4.2.6 THE CONTRIBUTION OF THE JUDICIARY TO THE DEMOCRATIC PROCESS

One of the cardinal principles of democratic consolidation is the protection of the rule of law (O'Donnell, 2004b:32). For the rule of law to be effective, there must be a strong and an independent Judiciary whose decisions are not subject to the control or manipulation by any other state institution. In this regard, the Ghanaian Judiciary has in most cases asserted its impartiality and independence in dispensing justice, especially in politically sensitive cases. It has used its power of judicial review to review the actions and inaction of other state institutions and bodies and has declared those instances illegal where they are inconsistent with the Constitution. For example, in 1993, the NPP filed a writ at the Supreme Court against the Inspector General of Police when the police violently broke up a peaceful demonstration it organized in Accra. The police had argued that the demonstration was illegal because the NPP did not have a permit from the police. The Supreme Court held that the actions of the police were

illegal because under the 1992 Constitution, no one requires a permit from the police or any authority to demonstrate.

Again, in 1994, the Supreme Court after an application filed by the opposition NPP, ordered the Ghana Broadcasting Corporation, a state-owned media organization, to provide fair and equal access and coverage to all political parties. In addition, in 1996, the Supreme Court declared the use of public resources and personnel in the commemoration of the December 31, 1981 coup d'état and all previous coups d'états against past democratically elected governments illegal. These series of rulings bolstered the confidence of the NPP in the Judiciary.

The NDC also saw favorable rulings from the court when the NPP was in power from 2001 to 2009. For example, in 2002, Hodari Okine, a deputy director of the Ghana Immigration Service, filed a writ at a Human Rights High Court in Accra to challenge his dismissal by the Kufour administration under circumstances believed to be politically motivated. The Kufour administration victimized Hodari Okine because it suspected that he was sympathetic to the NDC. The Court ordered the government to reinstate him.

Furthermore, the Judiciary has played a key role in the protection of human rights. It has acquitted and discharged those whose prosecution by the state it suspected to be politically motivated. For example, in 2002, Nana Ato Dadzie, a former chief of staff at the office of the president during the Rawlings administration, and Kwesi Ahwoi, a former chief executive officer of the Ghana Investment Promotion Council, were acquitted and discharged by a Commercial High Court in Accra. They were standing trial with a charge of causing financial loss to the state. Similarly, Akwasi Osei Adjei, a former Minister of Foreign Affairs, and Daniel Charles Gyimah, the former managing director of the National Investment Bank, were acquitted and discharged by a Commercial High Court in a case brought against them by the Atta-Mills administration in 2011.⁵ The state had charged them with causing financial loss. Also, in 2013, a Circuit Court in Accra acquitted and discharged Hon. Kennedy Agyapong, the NPP MP for Assin North in the Central Region, who was standing trial for attempted treason. The state had accused him of inciting tribal hatred on Oman FM, a radio station he owned (Myjoyonline, June 2013).

⁵ Akwasi Osei Adjei, Ex NIB Boss Cleared Of Causing Financial Loss Charge, Citifmonline.com, February 25, 2011, posted on citifmonline.com, <http://www.citifmonline.com/index.php?id=1.306845> (accessed on November 13, 2013)

In addition to these acquittals, the Judiciary has upheld the rights of those who felt that the state or an agency of the state had abused their human rights. For example, in June 2009, the Bureau of National Investigations (BNI) prevented Asamoah-Boateng, a former Minister of Information, and his family from travelling outside the country because the state was investigating him for various offences. Asamoah-Boateng and his family filed an application at a Human Rights High Court seeking an injunction to restrain the BNI from further stopping them from travelling outside the country without any court order. While the application was pending, the BNI again stopped them from travelling outside the country without any court order. They, therefore, instituted contempt charges against the BNI in October 2009. The judge ordered the director and two officials of the BNI to appear and answer the contempt charges in an open court. The judge also threatened to issue a bench warrant for their arrest if they fail to appear in court in subsequent hearings (Ghana News Agency, November 2009). That was after the judge had rejected a request by a state attorney that the hearing be held in camera to protect the respondents and national security. The state then filed an appeal at the Court of Appeal to dismiss the Human Rights High Court order to the BNI officials. The Court of Appeal by a unanimous decision upheld the ruling of the Human Rights High Court and ordered the director and two officials of the BNI to appear before the Human Rights High Court and answer the contempt charges in an open court. The Court of Appeal held the view that "the BNI and the police enjoy the same rights and therefore the BNI cannot be given any special treatment in this matter" (Banaseh, 2009). The Judiciary has, therefore, used its powers effectively to promote horizontal accountability.

Moreover, the Judiciary has gained the confidence of most political actors. Politicians have seen the courts as the right forum for settling disputes over constitutional issues and electoral matters (Abdulai and Crawford, 2010:35). That has given the Judiciary the opportunity to deliver rulings and issue orders with far reaching implications for the democratic process in Ghana. It has also ensured that the use of violence and other illegitimate means of settling disputes are discouraged. For example, a private citizen, Mr. Ransford France, filed a suit at the Supreme Court to challenge the constitutionality of the creation of 45 new constituencies before the December 2012 general elections by the Electoral Commission. His argument was that the Commission acted in contravention of the law when it laid the constitutional instrument 78 before Parliament to give legal backing to the new constituencies. Mr. Ransford France also filed an application for an injunction at the Supreme Court to restrain Parliament from sitting on the Constitutional

Instrument 78, which needs 21 days to mature until the determination of his suit challenging the constitutionality of the actions of the Commission.

Then, on September 19, 2012, the Supreme Court in a unanimous decision dismissed the application for an injunction. The Supreme Court held the view that placing an injunction on the Constitutional Instrument 78, which was before Parliament would not be in the interest of the nation since it would affect the election timetable. (Shaftonline.com, September 2012). Again, on October 19, 2012, the Supreme Court dismissed Mr. Ransford's suit challenging the constitutionality of the creation of the 45 new constituencies. That second ruling by the Supreme Court cleared all the hurdles for the Commission to create the new constituencies (Myjoyonline, October 2012). The creation of the constituencies was an emotive issue before the general elections. It drew opposition from the NPP, from groups within civil society and from the Trades Union Congress (TUC). However, all the parties cooperated with the Commission after the Supreme Court ruled on the matter.

Again, when the NPP disputed the results of the 2012 presidential election, it filed a petition at the Supreme Court challenging the declaration by the Commission (Daily Guide, December, 12, 2012; Myjoyonline.com, December 28, 2012). The Supreme Court dismissed the petition after almost eight months of hearings. In an apparent show of confidence in the Judiciary, the presidential candidate of the NPP, Nana Akufo-Addo, said that though he was disappointed in the ruling, he would accept it. He further indicated that the NPP would not seek a judicial review (Myjoyonline.com, August 29, 2013; The Chronicle, August 29, 2012).

Finally, the Judiciary has conducted itself well and most major political actors trust they can secure justice from it. Lack of trust in the Judiciary has perilous implications for democracy as happened in Kenya in 2007 (Cheeseman, 2007, Steeves, 2011).

However, not everything has been smooth with the Judiciary. It has its own internal, as well as challenges with other state institutions and bodies, especially the Executive. These will be discussed later when we examine the challenges faced by state institutions in the performance of their functions.

In addition to the Executive, Parliament and the Judiciary, the Electoral Commission is a key democratic institution. Both the president and the MPs can only legitimately occupy office

through free and fair elections organized and supervised by the Commission. Accordingly, the Constitution assigns specific powers and functions to the Commission. The next sub-section examines how the Commission has performed its functions and its contribution to the democratic process.

4.2.7 THE ELECTORAL COMMISSION AND THE 1992 CONSTITUTION

The Constitution makes provision for the establishment of the Commission under chapter seven. It was formally established in 1993 when Parliament enacted Act 451. Act 451 was amended by the Electoral Commission (Amendment) Act 655 (2003) when the functions of the Commission were expanded. According to Article 43 (2), the Electoral Commission shall consist of a chairperson, two deputy chairpersons and other four members, all of whom are appointed by the president under Article 70 in consultation with the Council of State. In order to ensure that the chairperson, the two deputy chairpersons and the other four members do not do the bidding of the president for their appointments, Article 46 is to guarantee their independence. Article 44 (2) states, “the chairperson of the electoral commission shall have the same terms and conditions as a justice of the Court of Appeal.” Article 44 (3) states, “the two deputy chairpersons shall have the same terms and conditions of service as are applicable to a justice of the High Court.” The allowances paid to the other four members are determined by Parliament. Once appointed, the chairperson, the two deputy chairpersons and the other four members do not have any limit on their tenure. They are only required to vacate their posts when they are due for retirement as specified under Articles 145 (1) and (2) of the Constitution. In this respect, the chairperson and the two deputy chairpersons can retire voluntarily at any time when they attain the age of 60. However, the chairperson and the two deputy chairpersons must compulsorily retire after attaining the age of 70 and 65 respectively while the other four members must vacate office on attaining the age of 60. Furthermore, according to Article 146, the chairperson, the two deputy chairpersons and the other four members can only be removed from office for stated misbehavior or incompetence or when they are unable to perform the functions of their offices because of infirmity of body or mind.

The functions of the Commission are to compile the register of voters and revise it at such times as may be determined by Law; to demarcate the electoral boundaries for both national and local government elections; to conduct and supervise all public elections and referenda; to undertake

the preparation of voter identity cards; to educate the people on the electoral process and its purpose; to undertake programs for the expansion of voters' registration; to store election materials properly; and to perform such other functions as may be prescribed by Law (The Electoral Commission Act, 2003). In addition to these functions, various provisions of the Constitution assign other functions to the Commission. For example, Article 55 (7) empowers the Commission to register and issue certificates to political parties. Article 63 (2) empowers the Commission with the responsibility for setting the date of presidential elections. The Commission is also empowered by Article 89 (1) to make regulations for and to supervise the election of 10 regional representatives to the Council of State.

4.2.8 THE CONTRIBUTION OF THE COMMISSION TO THE DEMOCRATIC PROCESS

Since some Sub-Saharan African countries returned to the path of democracy in the early 1990s, disputed and manipulated elections have led to the breakdown of democracies and to conflicts on the continent (Ademojubi, 2000: 59). In most cases, Electoral Commissions have compromised their independence and have manipulated elections in favor of ruling parties. However, in Ghana, the Electoral Commission has worked very hard to protect its independence. It has organized successful elections at the local to the national levels. Since 1996, the Commission has worked in collaboration with all the political parties through the Inter-Party Advisory Committee (IPAC). The IPAC was established in 1994 by the Electoral Commission and brings together the representatives of all registered political parties to deliberate, share ideas and offer advice on electoral matters. It was a forum to build trust among the Commission and the political parties following the opposition boycott of the 1992 parliamentary election. Through this consultative process, the Commission and the political parties have built consensus on many contentious issues. These issues include the introduction of the 'lottery system' to determine the position of candidates on the ballot papers and the introduction of transparent ballot boxes to replace the opaque ones used for the 1992 general elections. They also reached consensus on the representation of political parties by agents at the polling stations and the presence of political party representatives at every process during the collation and declaration of election results. These reforms have improved the transparency and integrity of the electoral process. Elections have been very successful because of the growing independence of the Commission and the improvement in its administrative capacity with each election (Gyimah-Boadi, 1999:138; Jockers et al., 2010:96).

In the run up to the 2012 elections, the Commission worked with the political parties on the introduction and implementation of the new biometric voter registration system. The Commission again worked with some civil society groups, especially religious groups to educate their congregation on how the system works. Despite initial concerns and complaints about the possibility of the Commission disfranchising some potential voters due to logistical constraints, the agents of the Commission managed to register most potential voters. According to the 2010 National Population and Housing Census, Ghana's total population was 24,658,823 (2012:1), and it was estimated to be 24,965,816 in 2012. The biometric voters' registration exercise recorded 14,031,763 potential voters. This figure translated into 56.2 percent of the total population and represented the largest percent size of the population since 1992. The percentage of the total population in the voters' register in 2008 was 54.5 percent. The 2004 voters' register had 49.5 percent of the total population with 10,354,970 potential voters in the register. In 2000, the voters' register had 10,700,252 names, which represented 55.5% of the population (Otchere-Darko, 2013).

Despite the fact that the Commission detected and eliminated about 8000 instances of multiple registrations and registration by minors, many analysts, particularly the Danquah Institute, a public policy think tank affiliated with the NPP, believed that the 2012 voters' register was bloated. The argument was that if over 60 percent of Ghana's population was under the age of 30, then having a voters' register with 56.2 percent of the total population, which comprised those 18 years and above, was incomprehensible. Another argument advanced to cast doubt on the credibility of the 2012 voters' register was the large percentage of registered voters relative to the total population and the number of registered voters recorded by Ghana when compared with Kenya's, which also used the biometric technology and had a higher population. For example, in 2012, Kenya with a population of 41,609,728 recorded 14,362,189 names on its new biometric voters' register, which translated into 34.5 percent of its total population. The question was how Ghana with a population almost half that of Kenya had almost the same number of voters on its voters' register? The Danquah Institute acknowledged that something must be wrong with the figures from the two countries but concluded that the country with a doubtful figure was Ghana (Otchere-Darko, 2013:2).

However, the Independent Electoral and Boundaries Commission of Kenya encountered many operational challenges which made its final figure of 14,362,189 not credible either. First, originally, the registration period was for three months but that was cut short to a month because of delays in the procurement and receipt of the biometric voters' registration kits. Second, it had a problem dealing with millions of potential voters who did not have any form of identification to enable them to register. Third, it had a problem accessing the remotest part of the country because of the lack of infrastructure, thereby disenfranchising some potential voters. Fourth, there were heavy rains that disrupted the registration process in parts of the country as some people could not get to the registration centres. Finally, the Commission itself acknowledged that its final figure fell short of its target of registering 18 million potential voters (Kenya Forum, 2012; Joselow, 2012).

Nevertheless, there were still doubts about the percentage Ghana recorded when compared with some other SSA countries (See Table 6 below). Apart from Ghana, all the countries recorded less than 50 percent of their total population in their voters' register. Once again, either Ghana's Electoral Commission was more effective in its voters' registration exercise than the other Electoral Commissions or the voters' register was bloated.

Table 6 : The Results of the Percentage of Registered Voters to Total Population of Some Selected SSA Countries

Country	Total Population	Registered Voters	% of Registered Voters to Total Population
Ghana	24,965,816	14,031,763	56.2%
Kenya	41,609,728	14,362,189	34.5%
Nigeria	162,470,737	67,764,327	41.7%
Senegal	12,767,556	5,302,349	41.5%
Tanzania	46,218,486	19,650,412	42.5%

Source: Gabby Otchere-Darko, the Publisher of the New Statesman, and Founder of the Danquah Institute, a Public Policy Think Tank.

However, 2012 was not the first time that Ghana's voters' register had generated controversy. Indeed, there was a general consensus that all previous voters' registers in Ghana were bloated (Smith, 2002: 624-631; Gyimah-Boadi, 2009:142; Jockers et al., 2010:103). The Electoral Commission blamed it on the surreptitious registration of minors and non-citizens of Ghana, who were not eligible to register to vote and the names of dead people or 'ghost voters' left on the register (Jockers et al., 2010:103). It was because of this problem that the Commission, the political parties, civil society groups and Ghana's development partners agreed to use the biometric technology for the 2012 registration exercise. However, the Commission has rejected any suggestion that the 2012 biometric voters' register was bloated and must be audited before the Commission embarks on a limited registration exercise for the 2016 elections. It argued that the auditing had been done when double registrations and registration by other unqualified persons were detected and deleted during the voters' registration exhibition exercise it organized before the 2012 general elections (Ghanaian Times, June 06, 2014).

In preparing for the 2012 general elections, in order to ensure that it had properly evaluated the biometric verification machines, the Commission organized mock elections in selected rural and urban constituencies across the country. Moreover, when some verification machines failed to work on the day of the general elections, the Commission acted in a timely manner. It issued a press statement to postpone voting to the following day in the affected polling stations (Myjoyonline.com, December 8, 2012). That timely intervention by the Commission calmed voters and the political parties who were agitated by the breakdown of the machines.

Furthermore, the Commission has demonstrated maturity in times of crises. For example, on December 9, 2012, the opposition NPP wrote officially to the Commission to request a delay in the declaration of the presidential election results. According to the NPP, it was necessary for the Commission to investigate the allegations of widespread electoral malpractices that occurred as some electoral officers allowed some voters to vote without going through the verification process. In response to the NPP's request, the EC invited it to a meeting and asked it to present its evidence. However, at the end of the meeting, which was also attended by the National Peace Council, the Commission said it could not grant the request by the NPP because of insufficient evidence and advised the NPP to go to court if it felt aggrieved (Appiah, 2012). The Commission

then went ahead to declare the incumbent president and candidate of the NDC, John Dramani Mahama, as the winner. He secured 50.70 percent of the votes.

After the meeting, the leadership of the NPP addressed a mammoth rally of party supporters who had gathered at a popular spot in Accra and had intended to organize a massive protest against the declaration by the Commission. But Nana Akufo-Addo admonished them to disperse and get back to their routine and assured them of the intention of the leadership to challenge the results at the Supreme Court. The fact that the Commission organized a stakeholders meeting with the NPP, and dismissed the allegations of electoral malpractices after some consideration of the evidence helped to prevent the outbreak of violence under that tense situation.

One can contrast the conduct of the Ghana's Electoral Commission during the 2012 general elections to that of the Electoral Commission of Kenya during the 2007 Kenya presidential election. In the midst of protests against alleged electoral fraud and malpractices, the Electoral Commission of Kenya abandoned previous attempts to declare the results publicly. However, the Chair of the Commission, Samuel Kivuitu, secretly announced the results in a small private room with only the Kenya Broadcasting Corporation in attendance (Cheeseman, 2007) and declared Mwai Kibaki, the incumbent president and candidate of the Party of National Unity, the winner. That declaration was strange because within a week, Samuel Kivuitu admitted to the media that he did not know actually who won the election (Steeves, 2011:456). That declaration then precipitated violence, which led to the killing of thousands of innocent people. It also led to the breakdown of democracy in Kenya. In addition to the Kenya debacle, there were instances in Nigeria, Zimbabwe, and Uganda and in other Sub-Saharan African countries where the improper conduct of Electoral Commissions have led to post-election violence.

However, despite the laudable achievements of Ghana's Electoral Commission in terms of its conduct of national elections, it has shown weakness because of lack of funds in the discharge of other functions such as the enforcement of laws regulating the registration of political parties. Again, the Commission's handling of the creation of the 45 new constituencies before the 2012 general election has exposed its administrative shortcomings in the management of elections. These and other challenges faced by the Electoral Commission will be discussed later.

Because of the human rights abuses that were perpetuated by some state institutions under past authoritarian regimes when many victims did not have the opportunity to seek remedy in the courts, the Commission on Human Rights and Administrative Justice (CHRAJ) was established under the 1992 Constitution. The procedure for filing complaints with the CHRAJ is relatively simple compared to that of the courts. The powers and the functions of the CHRAJ are discussed below.

4.2.9 THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE AND THE 1992 CONSTITUTION

Article 216 makes provision for the establishment of the CHRAJ. It was established by Parliament in 1993 when it enacted Act 456. The CHRAJ consists of a commissioner and two deputy commissioners appointed by the president in consultation with the Council of State. According to Article 218, the function of the CHRAJ, among other things, is to investigate complaints regarding human rights violations and administrative injustice, as well as complaints regarding allegations of corruption, and to educate the people about their human rights. To perform its functions effectively, it has the power to issue subpoenas and to prosecute any person contemptuous of its subpoena and to question any person in relation to any matter it is investigating. The Constitution is to guarantee its independence. According to Article 223 (1), the commissioner and deputy commissioners are subject to the same terms and conditions of service as a justice of the Court of Appeal and of the High Court, respectively. Therefore, the commissioner and the deputy commissioners are required by Article 223 (2) to vacate office on attaining the age of 70 and 65 years, respectively. The CHRAJ exercises its mandates subject to the Constitution and any law made by Parliament for regulating its operations.

The following discussion examines the CHRAJ and how it has performed its constitutional functions and its contribution to the democratic process.

4.2.10 THE CONTRIBUTION OF THE CHRAJ TO THE DEMOCRATIC PROCESS

Many Ghanaians suffered grave human rights abuses under previous military regimes, especially under the regime of the PNDC. Therefore, the adoption of adequate measures to ensure the protection of human rights under the new democratic dispensation was of preeminent concern to most people during the transition period (Oquaye, 1995a). Human rights activists considered the establishment of the CHRAJ as an important measure towards the protection of human rights.

In the performance of its functions, the CHRAJ has worked assiduously to protect Ghanaians from human rights abuses and administrative injustices. Also, it has held public officials accountable by enforcing the code of conduct for public officials enshrined in the Constitution. The CHRAJ has protected its independence, especially under its first commissioner, a retired Judge of the Court of Appeal, Justice Francis Emile Short and has engendered the trust of most political actors. It has investigated high profile NDC and NPP politicians and public officials. Governments have forced some of these officials to resign when adverse findings were made against them by the CHRAJ. For example, in 1995, the CHRAJ investigated the allegations of corruption and illegal acquisition of assets by three ministers and some other public officials in the Rawlings administration. These officials included Ibrahim Adam, former Minister for Food and Agriculture, Dr. I K Adjei-Marfo, former Minister for Cocoa Affairs, Colonel (Rtd) E M Osei-Owusu, former Minister for Interior, the late P V Obeng, former Presidential Adviser on Governmental Affairs and K K Sarpong, former chief executive officer of Cocoa Marketing Company. The ministers were found guilty and they had to resign with the intention of challenging the findings in court. Again, in 2002, the CHRAJ found Mr. Samuel Appiah-Ampofo, a former insurance commissioner, guilty of taking a \$96,500 kickback. He was investigated by the CHRAJ when it was petitioned by the editor-in-chief of the New Crusading Guide Newspaper, Abdul Malik Kweku Baako. The newspaper alleged that Appiah-ampofo had succeeded in replacing the insurance brokers of Ghana Airways, Rowing Limited, with another insurance company, AON, an action for which he was paid a kickback (GhanaWeb, April 2002). The CHRAJ recommended that the courts should ban him from occupying any public office because of the severity of his offence (Bossman, 2012).

Furthermore, in 2003, the CHRAJ investigated Dr. Richard Anane, a former Minister of Transportation, in the Kufour administration. It made adverse findings against him in relation to corruption, conflict of interest and perjury and recommended his removal from office. He resigned with the intention to challenge the findings in court. In addition, in 2006, the CHRAJ investigated but acquitted former President Kufour over allegations of corruption and conflict of interest. The allegations against the former president were made by a former minority leader in Parliament, Hon. Alban Bagbin, over the acquisition of a multimillion-dollar hotel near the president's private residence in Accra. The fact that the CHRAJ investigated a sitting president was an indication of how seriously it had taken its anti-corruption mandate (Bossman, 2006: 4).

The CHRAJ also publishes annual reports on the state of human rights in Ghana. The report contains a review of the country's performance in human rights, administrative justice and anti-corruption. It also contains recommendations and policy proposals aimed at improving human rights and administrative justice protections, as well as the strengthening of anti-corruption strategies. Also, to ensure that the rights of prisoners are protected, the CHRAJ conducts annual inspections of prisons, police cells and other detention facilities. The CHRAJ has used these inspections to ensure that remand prisoners get speedy trials to determine the final outcome of their cases.

During the 2012 general elections, the CHRAJ organized public education campaigns and educated the public on their right to vote in line with its mandate of promoting human rights through public education. To get first-hand information on the management of the elections, it trained and deployed election monitors and observers.⁶ It used the reports it received from the monitors to prepare a report on its assessment of the organization of the elections.⁷ Again, during the campaign, it received many allegations of corruption and improper conduct by public officials and politicians and launched preliminary investigations into them. For example, Mohammed Awal Alhassan, a private legal practitioner, petitioned the CHRAJ to investigate the allegations that the chief executive officer of the Ghana Investment Promotion Council, Thomas Aboagye, authorized the payment of money from the account of the Council to “Volunteers for Mahama”, a youth group that campaigned for the president. Alhassan asked the CHRAJ to declare the actions of Mr. Ishmael Yamson, the board chairman of the Council who approved the payment, and George Aboagye as abuse of office. Mr. Aboagye resigned when the CHRAJ formally commenced investigations into the allegations.

Finally, as a member of the Ghana Anti-Corruption Coalition, the CHRAJ worked with civil society groups to produce the National Anti-Corruption Action Plan which is aimed at curbing public sector corruption. The CHRAJ also collaborated with civil society groups to put pressure on Parliament to pass the Whistleblower Act 2006 (Act 720) aimed at facilitating the

⁶CHRAJ Deploys 400 Election Observers, GNA, October 22, 2012, posted on GhanaWeb.com. Available at [www.ghanaweb.com](http://www.ghanaweb.com/GhanaHomePage/education/artikel.php?ID=151978), <http://www.ghanaweb.com/GhanaHomePage/education/artikel.php?ID=151978> (accessed on November 14, 2013)

⁷Ghana Election 2012: CHRAJ Launches Preliminary Report, GNA, December 10, 2012, posted on www.ghanabusinessnews.com. Available at <http://www.ghanabusinessnews.com/2012/12/10/ghana-election-2012-chraj-launches-preliminary-report/>

enforcement of anti-corruption laws. The Act encourages every citizen to report, without fear of victimization, evidence essential for the prosecution of corruption and any form of economic or political malfeasance (Arthur, 2010:213).

However, unlike the Electoral Commission which receives massive financial and technical support from the international community to organize elections because of its desire to showcase Ghana as a successful democracy in SSA, the CHRAJ receives very little support despite the importance of its mandates. Consequently, it relies on the meager resources it receives from the Executive which are woefully inadequate. Thus, it lacks the resources to engage and retain highly competent staff. The lack of financial independence has had serious implications and hampered the effective functioning of the CHRAJ (Abdulai and Crawford, 2010:41).

4.3 THE CHALLENGES FACED BY STATE INSTITUTIONS IN THE PERFORMANCE OF THEIR FUNCTIONS

Many analysts have described the commitment of the Executive to the principles and values of the 1992 Constitution as minimal. This description is applicable to all the presidents who have presided over the Constitution since it was promulgated in 1993. The inability of the Executive to demonstrate sincere and genuine commitment to the Constitution is structural because its powers dwarf that of all other state institutions. The Constitution assigns so much power to the president such that it has created what is referred to as an imperial presidency (Kwasi Prempeh, 2008). The imperial presidency encourages the persistence of corruption and political patronage. The Executive controls many resources, which enables it to recruit and sustain its political clients and to engage in incumbency abuse, especially during elections (Gyimah-Boadi, 1997). Since 1992, ruling parties have engaged in incumbency abuse by deploying state resources for unfair electoral advantages. During the 2012 election, several reports by the Ghana Integrity Initiative cited the NDC government for engaging in such practices (Ghana Integrity Initiative, 2012). For instance, the government distributed free laptops embossed with the portrait of the president to schools. Again, during his campaign tour of the Ashanti Region, the president presented 12 new Toyota Land Cruiser vehicles to the National House of Chiefs (Essel, 2012). Though the NDC government denied that these had anything to do with the election, the opposition was convinced that the aim of the distribution and the presentation were to patronize the beneficiaries and the chiefs to mobilize votes for the NDC because chiefs have a lot of influence on their communities, especially in rural areas. However, the beneficiaries and the chiefs denied the

allegation and argued that the gesture by the president would facilitate their work. But the main problem was that those were unbudgeted expenditures made by the president from the public purse without the approval by Parliament.

Again, the imperial presidency is overbearing because “nearly all constitutional and statutory offices, including senior posts in the police and security services and directorship and senior-management positions in state corporations, are filled by presidential appointees” (Gyimah-Boadi and Kwasi Prempeh, 2012: 102). This ensures the continued domination by the Executive of other state institutions and bodies including those whose independence is enshrined in the Constitution.

Moreover, the Executive has exploited loopholes in the Constitution to undermine the independence of other institutions and bodies. The fusion between Parliament and the Executive is used by the Executive as a mechanism of subordination and cooptation, as the president appoints a large number of ministers of state from among MPs. Also, the president appoints MPs who are not ministers of state to serve on public boards and these appointments deplete Parliament of its most vibrant and intelligent members.

Consequently, Parliament is compromised in its ability to do due diligence in approving international loan agreements and other international commercial transactions brought before it by the Executive. Parliament had been embarrassed on several occasions because MPs of ruling parties had used their majority to approve international loans and other commercial agreements that had turned out to be fraudulent. The most recent example of these embarrassing episodes occurred when Parliament, despite persistent protests by the minority in Parliament and by civil society groups, approved a \$10 billion affordable housing agreement between the government of Ghana and the STX Engineering & Construction Limited, a South Korean based corporation. The government later realized that the corporation did not have the capacity to raise the initial capital for the project even with a sovereign guarantee provided by the government.⁸ The government, therefore, withdrew from the agreement, which would have seen the construction of 200,000 affordable housing units. To prevent such mistake from recurring, the speaker of

⁸ Ghana Backs Out of Housing Deal With South Korea's STX, Daily Graphic, April 13, 2013, posted omgghana.com. Available at omgghana.com/ghana-backs-out-of-housing-deal-with-s-koreas-stx/#ixzz2ltC37alt (accessed on November 14, 2013)

Parliament recently announced that Parliament is collaborating with the United Kingdom House of Commons to establish an Office of Scrutiny. This office would provide Parliament with an expert and independent analysis of policy measures, including checking international loans and other international agreements brought to the house by the Executive.⁹

In addition, Parliament has been extremely weak in carrying out its budgetary oversight. It has generally not been able to protect the public purse. Every year and especially in election years, the Executive engages in excessive over expenditures. This has resulted in huge budget deficits which have led to the accumulation of a huge public debt which is having negative consequences for the economy. For example, at the end of 2012, the Executive spent in excess of US\$4.6 billion (12.1 percent of GDP), over its budgetary allocation (Bawumia, 2013, Radioxyzonline.com, 2013). Also, at the end of December 2012, Ghana's total public debt stood at US\$18,832.77 million, equivalent to 49.4 percent of GDP, up from US\$15,350.08 million, which represented 40.8 percent at the end of 2011 (Ankiilu Kunateh, 2013). Again, statutory payments into some public funds approved by Parliament have not been made by the Executive despite the fact that the allocated revenues have been collected. As a result, statutory funds such as the Ghana Education Trust Fund (GetFund), the National Health Insurance Fund (NHIF) and the District Assembly Common Fund (DACF) are in arrears. The Executive did not honor several promises it made to pay the arrears but Parliament has not taken any action to compel it to honor its obligations (Peacefmonline.com, 2013).

The Executive's cooptation and subordination abilities are not only limited to Parliament, they extend to the Judiciary as well. In addition to the constitutional provisions which allow it some level of influence over the Judiciary through the appointment of judges, the Executive has other means of co-opting the Judiciary. The president does this by appointing judges of the Superior Courts to serve on public boards. This is an attempt by the Executive to encroach on the independence of the Judiciary since they are beholden to the president for the other appointments. For example, the current chairman of the Council of the University of Ghana is Justice Dr. S.K. Date-Bah, a Supreme Court Judge and who was nominated for that position by government. The Constitution guarantees his independence as a Justice of the Supreme Court

⁹Parliament to Create Office of Scrutiny- Speaker, GNA, November 26, 2013, posted on Peacefmonline.com. Available on [www. peacefmonline.com](http://www.peacefmonline.com), <http://news.peacefmonline.com/pages/social/201311/181415.php> (accessed on November 28, 2013)

because he cannot be removed from office. But he serves his position as the chairman of the Council of the University of Ghana at the pleasure of the president. That appointment has the potential to undermine his independence and influence his judgment in cases involving the Executive.

Another challenge that confronts the Judiciary are attempts by some politicians from the major political parties to denigrate it and undermine its integrity. Some politicians have accused the Judiciary of bias especially when a ruling by the court did not favor them. They have accused judges of delivering politically motivated judgments without any shred of evidence. During the 2012 presidential election petition hearing, some politicians belonging to the NPP and the NDC made statements that sought to impugn the integrity of the Supreme Court. For example, politicians of the NPP accused the President of the Panel of Justices, Justice William Atuguba, of being sympathetic to the NDC and wanted him to recuse himself from the panel (Myjoyonline.com, 2013, January 14). They subsequently decided not to pursue the matter and the Judge presided over the petition hearing. Also, some politicians of the NDC accused Justice Jones Dotse of being a former chairman of the NPP in a constituency in the Volta region. The Judge denied the allegation and challenged the NDC to bring any evidence to the contrary, but they could not and had to apologize to him (Banaseh, 2013a). Again, after the Supreme Court delivered its verdict on the petition, the lawyer who represented the president, Tsatsu Tsikata, alleged on radio that Justice AninYeboah, who ruled in favor of the petitioners, was politically biased (Radioxyzoneonline, August 31, 2013). He did not provide any evidence to support his allegation. These baseless and unsubstantiated accusations by some politicians are calculated attempts to create doubts in the minds of the public about the independence of the Judiciary.

However, some of the problems that confront the Judiciary are the results of the conduct of its staff. For example, there is a widespread public perception that the Judiciary is corrupt because of undue delays in the administration of justice involving private citizens. This perception is supported by some studies and surveys that have ranked the Judiciary among the corrupt institutions in Ghana (Arthur, 2010:216). Again, there is also the public perception that some people can influence judges to give favorable judgments. This perception is confirmed by unscrupulous lawyers and staff of the judicial service who demand bribes from parties to a case with the promise of forwarding them to judges.

As far as the Electoral Commission is concerned, despite its impressive record in the conduct of elections, it also faces many challenges. The Commission has not done very well in terms of enforcing the law that regulates the operations of political parties. Currently, 21 political parties are registered with the Commission but most of them exist only on paper. They do not satisfy the constitutional requirements to operate as political parties. The Commission is mandated to ensure that all political parties have functional offices in at least 2/3 of the districts in the country but it has failed to do that. Sections 13 (1) and 15 (1) of the Political Parties Act, 2000 (Act 574) require political parties to furnish the Commission with details of the existence and locations of their constituency, district, regional and national offices within 90 days after they are issued with the initial certificate of registration or at a later period if the Commission allows. Though the Commission has conducted occasional inspections and assessments of political parties, it has failed to apply to the courts for the cancellation of the registrations of dormant parties. In addition, the Commission has not enforced the law which requires the political parties to file audited accounts with the Commission after every election. The NDC and the NPP which have so many financial resources have particularly failed to comply with this law but the Commission has never imposed any sanction on them as required by law.

Again, the haphazard manner in which the Commission handled some electoral matters before the 2012 election exposed its administrative lapses. For example, the Commission's handling of the re-demarcation of the constituencies left much to be desired. The initial legislative instrument it submitted to Parliament for the re-demarcation of the constituencies was full of errors which prompted the Constitutional and Legal Affairs Committee of Parliament to recommend the rejection of the legislative instrument 73. The Commission had to withdraw and bring a revised version, legislative instrument 78. The delay in the passing of the legislative instrument affected the electoral timetable, which generated suspicion from the opposition parties. They expressed doubt in the ability of the Commission to conduct a free and fair election. After the election, the Commission admitted that the problems it encountered with the re-demarcation of the new constituencies affected its conduct of the election.

Also, the Commission faces a problem with the attitude of its chairperson, Dr. Kwadwo Afari-Gyan. He had been very independent and firm and had handled the complaints of the political parties very well in past elections. However, during the 2012 general elections, he treated some

complaints with contempt and some political parties had to resort to the courts for redress. His posture came under severe criticism by the Supreme Court. When the hearing of the presidential election petition drew to a close, Justice William Atuguba in his concluding remarks rebuked the chairperson of the Commission for telling aggrieved parties to go to court at the least opportunity. Justice Atuguba said, "I hope you have seen that 'go to court, go to court' is not easy" (Banaseh, 2013b). Also, in delivering his ruling at the end of the election petition hearing, Justice Dotse expressed unhappiness about the way the chairperson handled the concerns of the petitioners before they went to court. He was of the view that, if the electoral commissioner "had exercised a little bit of tolerance and discretion, which are hallmarks of the type of office which the chairman occupies, the quick resort to this court may have been avoided" (*Nana Addo Dankwa Akufo-Addo, Dr. Mahamudu Bawumia, Jake Otankobetsebi-Lamprey v. John Dramani Mahama, The Electoral Commission and National Democratic Congress*, 2013).

Finally, the CHRAJ also faces many challenges in the performance of its functions. These challenges undermine its ability to function effectively. They are both constitutional and administrative. At the constitutional level, the Executive still maintains some influence over the CHRAJ through the power of the president to appoint the commissioner and the deputy commissioners. Those appointed are loyal to the president and some of them have compromised the independence of the CHRAJ. For instance, in clear violation of Article 222 of the Constitution which bans the commissioners from holding any other public office, the current commissioner, Mrs. Laretta Vivian Lamprey, held her position as a government representative on the Board of the Ghana Commercial Bank. It took a threat of a court action by the Society for National Affairs, a civil society group, for her to resign from her membership of the board of the Ghana Commercial Bank.

Again, the president uses the power of appointment to undermine the effective functioning of the CHRAJ. The president does this through the appointment of commissioners in an acting capacity. This is because acting commissioners who want the president to confirm their appointments as full-time commissioners would not assert the independence of the CHRAJ. The president has never confirmed the appointment of acting commissioners who assert the independence of the CHRAJ (Gyimah-Boadi, 2009: 147). For example, Anna Bossman was the acting commissioner from 2004 to 2010. Both the Kufour and the Atta-Mills administrations did

not confirm her appointment because of perceived independence. In addition, in some instances, the president denies the CHRAJ the full complement of the commissioners it needs to preside over certain cases. The president does this by delaying the appointment of new commissioners to replace those who have retired or resigned.

The CHRAJ also lacks the power to prosecute those it finds guilty because the power to prosecute lies solely with the attorney general and minister of justice, a political appointee (Abdulai and Crawford, 2010). The law requires CHRAJ to present its findings to the attorney general. Successive attorneys general have been reluctant to prosecute politicians and public officials against whom the CHRAJ have made adverse findings. For example, in 1995, when the CHRAJ found three ministers in the Rawlings administration guilty of illegal acquisition of assets, the government issued a White Paper on the CHRAJ's report and rejected the findings.

Furthermore, the courts in some instances have not helped the CHRAJ in its work. It has set aside the findings of the CHRAJ on purely technical grounds as occurred in the case of Dr. Richard Anane (Amoo-Asante, 2007). Dr. Richard Anane was a minister of state in the NPP administration from 2001 to 2008. In 2006, the media alleged that he had diverted state funds for the upkeep of his American mistress with whom he had a child. Based on the media reports, the CHRAJ took up the allegation and investigated it and found Anane guilty of conflict of interest, abuse of office and perjury. It recommended among other things his removal from office by the president. Anane was dissatisfied and resigned to challenge the findings in the High Court and the High Court quashed the decisions of the CHRAJ. His grounds were that the CHRAJ could not investigate the allegations based on mere media reports without a formal complaint from identifiable person(s). The CHRAJ took the matter to the Supreme Court to invoke its supervisory jurisdiction to set aside the ruling by the High Court. By a four to one majority decision, the Supreme Court dismissed the application filed by the CHRAJ and upheld the ruling by the High Court. The courts never went into the merits of the case which were the basis for the investigation and Anane was subsequently reinstated by the president (Daily Graphic, August 29, 2007). When the acting commissioner, Anna Bossman, later resigned, she indicated that she felt frustrated by the rulings of the courts. She said she has always felt that the government and the public do not appreciate the work of institutions such as the CHRAJ (Adogla, 2011). Consequently, conflict of interest and corruption are fairly common among politicians and

public officeholders as indicated by reports and surveys of both local and international organizations (Ghana Centre for Democratic Development, 2012: Gallup Poll, Global States of Mind, 2013).¹⁰

At the administrative level, the CHRAJ has a high rate of turnover of staff because of poor remuneration. It lacks the requisite administrative and professional staff, particularly investigative staff to handle the numerous complaints it receives. Some of its regional and district offices in remote parts of the country are barely functioning. Because of these challenges, the CHRAJ lacks the capacity to effectively deal with corruption and human rights abuses (Gyimah-Boadi and Kwasi Prempeh, 2012: 104).

Having enumerated the functions the 1992 Constitution assign to each state institution, and having examined the manner in which these institutions have performed their respective functions and the challenges that confront them in the performance of their functions, the section will conclude with brief comments on the impact of these institutions on Ghana's democratic consolidation process.

4.4 CONCLUSION

The analysis in this chapter shows that state institutions such as the Executive, Parliament, the Judiciary, the Electoral Commission and the CHRAJ have played an important role in Ghana's democratic process in the Fourth Republic. The Executive has by large respected the constitutional provision on the two-term limit. This has been institutionalized by the decisions of former Presidents Rawlings and Kufour to leave office peacefully in 2001 and 2009, respectively without any attempt to manipulate the Constitution. The compliance of the Executive to the Constitution was further reinforced by the smooth presidential succession that Ghana went through in July 2012 following the death of President Atta-Mills. In addition, the Executive has upheld many of the fundamental human rights and freedoms enshrined in the Constitution. As a result, Ghanaians enjoy a wide range of freedoms such as the freedom of association, speech and assembly.

¹⁰Full report available on www.gallup.com, <http://www.gallup.com/poll/165497/global-states-mind-2013.aspx> (November 15, 2013)

Again, the analysis shows that Parliament has contributed to Ghana's democratic process by exercising some oversight over the Executive. Parliament has done this through the approval or disapproval of nominees submitted by the Executive for appointment. Parliament has debated the government financial statements and economic policies and passed appropriation for ministries, departments and agencies. It has approved several international loan agreements and other commercial transactions entered into by the Executive. In addition, Parliament has passed much legislation since it was inaugurated in 1993.

The Judiciary has also played a role in Ghana's democratic process by asserting its independence and defending and upholding the rule of law. It has held other state institutions and bodies accountable by subjecting their actions or inaction to a judicial review.

Finally, the analysis shows that the Electoral Commission and the CHRAJ have also contributed to the democratic process. The Electoral Commission has organized six successful elections and its management of elections has been relatively transparent. It has conducted itself well compared to the conduct of most Electoral Commissions in other SSA countries. Similarly, the CHRAJ has been at the forefront of human protection. It has discharged its anti-corruption mandate by investigating allegations of corruption on the part of high profile politicians and other public officials.

However, the discussion also shows that state institutions face many challenges. This includes an imperial presidency which undermines their effective functioning. How the independence of state institutions can be strengthened and how the challenges they face can be addressed so that they can have a positive impact on the democratic consolidation process in Ghana will be discussed in the concluding part of this thesis.

The next section discusses the institutionalization of the political parties and the two-party system and their contributions to the democratic process.

SECTION TWO

4.5 EVOLUTION OF THE POLITICAL PARTIES AND PARTY SYSTEM UNDER THE FOURTH REPUBLIC

Political parties in the Fourth Republic trace their roots back to May 1992 when the PNDC military regime lifted the ban on party politics (Gyimah-Boadi, 1994: 79). The ban was lifted by the declaration of the Political Parties Law 1992 (PNDC Law 281), later amended by the Political Parties (Amendment) Law 1992 (PNDC Law 283). With the inauguration of the Fourth Republic and the promulgation of the 1992 Constitution, the Constitution provides the legal basis for the existence of political parties. Article 21(3) of the Constitution guarantees the right and the freedom of every citizen to form and join political parties, and to participate in political activities. Article 55 establishes and regulates the formation of political parties. In 2000, Parliament enacted the Political Parties Law 2000 (Act 574) which repealed both the PNDC Laws 281 and 283.¹¹ That was to revise and consolidate the various statutes regulating political parties and to bring their provisions in conformity with the 1992 Constitution.

The Constitution mandates Ghana to be a multi-party system and Article 56 bans Parliament from enacting any law turning Ghana into one-party state. Since 1993, Ghana has become a de facto two-party system. The NDC and the NPP dominate the political scene with both parties together winning more than 90 percent of the votes in both the presidential and the parliamentary elections since 1992 (Osei, 2012: 102, Lindberg, 2013: 950). In other words, the two parties have closed “the electoral market” (Ishiyama et al., 2011:696). Consequently, most of the smaller parties such as the NIP, the PHP, the NRP, the UGM, the DFP and DPP have either vanished or joined the NDC or the NPP. Smaller parties such as the PNC and the CPP which have remained active since 1992 have seen their fortunes dwindle. For example, in 1992, the PNC obtained 6.7 percent of the total votes cast. In 1996 and 2000, it obtained 2.95 percent and 2.92 percent, respectively. By 2012, its share of the votes had declined drastically as the party obtained a paltry 0.22 percent of the total votes cast (Aidoo and Chamberlain, 2014: 4).

However, the CPP did not directly contest the 1992 and the 1996 general elections. In 1992, the name of the party was the National Convention Party (NCP) and contested the election as a

¹¹Political Parties Act 2000 (Act 574), Ghana Legal, available on <http://ghanalegal.com/?id=3&law=194&t=ghana-laws> (December 05, 2013)

partner of the NDC in the Progressive Alliance which won the elections. By 1996, the vice-president, Kow Nkensen Arkaah, who would have been the presidential candidate of the NCP but for the formation of the Progressive Alliance, fell out with President Rawlings. As a result, the NCP, the NIP and the PHP merged and formed the People's Convention Party which entered into the Great Alliance with the NPP to contest the 1996 election, which the Great Alliance lost to the NDC (Osei, 2012: 112). When it finally adopted the name Convention People's Party and contested the 2000 election on its own strength, it obtained 1.78 percent of the total votes cast. In 2004 and 2008, it obtained only 1.0 percent and 1.34 percent of the votes, respectively. In the 2012 election, it had 0.18 percent (Aidoo and Chamberlain, 2014: 5).

Again, the two stable traditions, the Danquah/Busia and Nkrumahist, which date back to the 1940s during the decolonization of the Gold Coast, have given Ghana the current de facto two-party system (Morrison, 2004: 422). The liberal NPP is the ideological successor to the UGCC of the Danquah/Busia tradition. The populist NDC is ideologically akin to the erstwhile Convention People's Party of the Nkrumahist tradition (Jeffries and Thomas, 1993; Gyimah-Boadi, 1994; Nugent, 1999; Morrison, 2004).

Given that the NDC and the NPP have dominated politics since 1992, to what extent have the two parties and the de facto two-party system been institutionalized?

4.6 THE INSTITUTIONALIZATION OF THE POLITICAL PARTIES AND THE TWO-PARTY SYSTEM

4.6.1 THE INSTITUTIONALIZATION OF THE POLITICAL PARTIES IN GHANA

The question of whether or not the political parties in Ghana are institutionalized is a vexing one. Whereas some scholars think that the political parties in Ghana are inchoate (Kuenzi and Lambright, 2001), others are of the view that they are institutionalized (Morrison, 2004, Lindberg, 2007 and Whitfield, 2009).

This section examines the extent of the institutionalization of the political parties using Huntington's model of institutionalization which contains four measures. These are adaptability, complexity, autonomy and coherence. Because of the de facto two-party system, only the NDC and the NPP will be assessed. References will be made to the smaller parties where necessary.

Adaptability

Huntington refers to adaptability as the ability of an organization to respond appropriately to challenges within its environment. Adaptability of an organization is measured by its age and the number of challenges it has dealt with in its environment. In this respect, when it comes to age, the NDC and the NPP were both formed in 1992 and have existed since the inception of the Fourth Republic. In dealing with the challenges within their environment, the parties have done relatively well compared to many political parties in SSA. This is partly reflected in the way they are organized, in the activities they have undertaken, in the functions they have performed and in the number of times they have amended their Constitutions to adapt to changing circumstances in the political environment.

In the case of the NDC, it was the de facto incumbent party when it was formed. Its organizations, structures, activities and Constitution were tailored for a party in government. When the party lost the 2000 general elections and became the main opposition party, it embarked on a re-organization and rebuilding exercise to revamp its structures. Prior to 2001, Article 6 of the party's Constitution recognized Rawlings both as the founder and leader upon whose vision the party was established. When the party lost the 2000 general elections, there were calls among its members for amendments to its constitution to decouple the positions of the founder and leader. That, according to the proponents of the amendment, was to deepen internal democracy, to strengthen the party, and to make it attractive to swing voters. They were of the view that the domineering role of Rawlings did not make the party attractive to swing voters. The amendment was also to make the presidential candidate of the party its leader. Yao Obed Asamoah, one of the founding members of the party and a former Minister of Justice and Attorney General under the Rawlings administration, and the Youth Forum, a group affiliated to the party, championed the amendment. But Rawlings and his supporters fiercely opposed the amendment as they saw it as an attempt to weaken his position and influence within the party.

Another proposed amendment which was vigorously debated in the NDC was the co-chairmanship positions in the Constitution of the party. Since 1992, the NDC had co-chairmen and the party's Constitution mandates either one or both national chairmen preside over the National Congress and the National Executive meetings of the party. The party did not have any problem with that provision when it was in government because one of the chairmen, A A

Munufie, was Ghana's Ambassador to the Ivory Coast. In his absence, the other chairman, Alhaji Issifu Ali, presided over the meetings of the party. However, when the NPP won the 2000 general elections and administration recalled Ambassador Munufie in 2001, many in the NDC thought his presence in Ghana would create conflict and confusion at the helm of the party. They, therefore, called for an amendment to the party's Constitution to abolish the co-chairmanship positions in favor of a single chairman.

The process for the amendments began when the constitutional and legal sub-committee of the NDC made the proposals for the separation of the founder and leader and the abolition of the co-chairmanship positions. The committee then submitted the proposals to the national executive committee which approved the separation of the position of the founder and leader but it could not reach a decision on the co-chairmanship positions (Fuseini, 2001, GhanaWeb, April 19, 2002). However, when the proposals were tabled before the national delegates' congress of the party held on Saturday, April 27, 2002 at the University of Ghana, the proposals were approved by the delegates. Rawlings maintained the position of the founder of the party but he was stripped of his position as the leader. Then, in a fiercely contested election for the position of the chairmanship between Yao Obed Asamoah and Alhaji Mohammed Iddrisu, a former presidential advisor to former President Rawlings and his favorite for the position, the congress elected Yao Obed Asamoah as the sole chairman to steer the affairs of the party. The delegates also amended Article 26 of the party's Constitution to make the president of the Republic who is a member of the party its leader when the party is in government. But, where a sitting president is not elected a presidential candidate, a person elected as a presidential candidate of the party at any time prior to election will be the leader of the party. At any other time however, the chairman of the party will be its leader (NDC Constitution, 1992:21).

In addition to the above amendments, when the NDC lost the 2004 general elections, it further amended its Constitution and made provision for the election of a presidential candidate at least 12 months before a national election date when the party is in government and at least 24 months when the party is out of government. That amendment allowed the election of Professor Atta-Mills on December 16, 2006 as the presidential candidate of the party for the 2008 general elections. The early primaries gave Atta-Mills enough time to do more campaigning and to embark on a house-to-house campaign in which he visited the electorate in their homes, in

offices, in the markets and at the lorry stations. It was an effective campaign strategy, which contributed to his victory in the 2008 presidential election (Gyimah-Boadi, 2009, Whitfield, 2009, Jockers et al., 2010).

The NPP became the main opposition party when it was formed. It has also amended its Constitution several times to adapt to changing circumstances in the political environment. The first amendment to the party's Constitution was in 1998 after it lost the 1992 and the 1996 general elections. The party amended its Constitution to allow for the election of a presidential candidate of the party no later than 24 months from the date of a national election (NPP Constitution, 1992). Based on that amendment, on October 24, 1998, John Kufour was elected the presidential candidate of the party for the 2000 general elections. In outlining the reasons why the NPP won the 2000 general elections, Gyimah-Boadi asserts that the NPP was far better organized for the elections. He notes that “by convening early primaries and choosing its presidential candidate two years ahead of the general elections, the NPP was able to repair its internal division, develop a coherent campaign strategy, and expose its standard bearer to the public” (Gyimah-Boadi, 2001: 108).

Again, during the 2007 presidential primaries of the NPP, seventeen aspirants, eight of whom cabinet ministers, vied for the position of a presidential candidate to succeed former President Kufour. Some political analysts consider the extravagant expenditure of the aspirants and their lavish campaigns as part of the reasons why the NPP lost the 2008 general elections (Gyimah-Boadi, 2009, Whitfield, 2009, Jockers et al., 2010). Therefore in 2009, as part of its “3R” project (Reflect, Rebuild and Recapture 2012), 42 proposals were made for amendments to the party’s Constitution. The most controversial of these were the proposals to limit to five the number of aspirants for the presidential primaries of the party and the increase in the number of delegates for its Electoral College for the election of a presidential candidate from 2,340 delegates to 115,000. All the 42 proposals were approved during the 2009 national delegates' conference of the party which was held in Accra.

In addition to constitutional amendments, the two parties also began to engage in other political activities to adapt to the political environment especially when in opposition. These activities include organizing processions and demonstrations, boycotting of parliamentary proceedings and holding political forums. Thus, from 1993 to 2000, the NPP and its allies in the civil society

formed the Alliance for Change and organized a series of demonstrations in the regional capitals across the country against the economic hardships in the country. The biggest of these was the 1995 “Kume Preko” (literally translated as “kill me at once”) in Accra against the imposition of the Value Added Tax by the NDC administration. Again, since the NPP lost the 2008 election, a youth group affiliated with the party, the Alliance for Accountable Governance organized a series of demonstrations against what it termed “the corruption and the insensitivity” of the Atta-Mills and the Mahama administrations.

Similarly, from 2001 to 2008, the NDC organized a series of demonstrations. The party and its allies in the civil society formed the Committee for Joint Action. It organized a series of press conferences, political forums and demonstrations in protest against increases in the prices of utilities, in the prices of petroleum products, and against the Kufour administration's handling of the electricity power crisis that the country experienced in 2006.

Though these are routine activities engaged by political parties in many democratic societies, in Ghana, they are carefully planned as adaptation strategies for the political parties in the absence of political power. The parties engage in these activities when in opposition to send a message to their supporters and swing voters that they are still important political players and credible alternatives to the party in government.

Complexity

Complexity refers to the number of subunits an organization has in terms of hierarchy and functions. It also refers to the level of diversity in the purposes and objectives of an organization. Complexity also refers to a situation in which a party depends on more than just one person to survive. The 1992 Constitution envisages political parties as complex organizations and mandates them to have branches in all the 10 administrative regions of the country. The Constitution also mandates the parties to be organized in not less than two-thirds of the districts in each region of the country. The Constitutions of the NDC and the NPP spell out the hierarchies of the parties from the polling station level to the national level and differentiate the subunits of the parties in terms of hierarchy and functions.

According to Article 11 of the NDC Constitution, the party is hierarchically organized at the branch, the ward (polling division), the constituency, and the district (where applicable), the

regional and the national levels (NDC Constitution, 1992). The Constitution of the NPP organized the party hierarchically at the polling station, the electoral area, the constituency, the regional and the national level (NPP Constitution, 2009). Each of these subunits performs different functions that make the operations of the political parties a success. The NDC and the NPP also have very vibrant integral organs that are part of the structures of the parties. These include the parliamentary groups, the youth wings, the student wings, the women's wing and the external branches (especially in North America and Europe). These integral organs are important for the operations of the parties. The branches abroad serve as sources of both technical assistance and financial resources. The student wings are indispensable in serving the parties as polling agents and in providing new a generation of leaders. The women's wings engage in mobilizing women and also providing hospitality services for the parties during party conference or congress and on the day of national elections.

Apart from capturing political power, which is the main objective of every political party, the NDC and the NPP have other objectives. For example, among other objectives, the NDC aims to promote participatory democracy in Ghana, to establish friendly relations with all countries and to establish ties with parties and organizations with identical beliefs and commitments throughout the world. Also, among other objectives, the NPP aims to ensure and protect the Republic of Ghana and to respect, preserve and promote the traditional cultures and institutions in Ghana, especially the chieftaincy institution. The diversity of the aims and objectives of the parties enhance their level of complexity.

In furtherance to their complexity, the NDC and the NPP have weaned themselves from the reliance on any single charismatic individual. Their survival depends on their structures and on the procedures enshrined in their Constitutions. As earlier discussed, the NDC was formed and organized around the charisma of its founder and first presidential candidate, former President Rawlings. Until the party lost power in 2000, it did not have strong organizational structures. It relied on the charisma of Rawlings and on the abuse of state resources for its political mobilization and support. The dominance of Rawlings and the lack of internal democracy within the party contributed to its defeat in the 2000 general elections (Nugent, 2001, Ayee, 2002) and many political analysts doubted the capacity of the party to survive in opposition. However, the reorganization of the party in 2001, the rebuilding of the party structures and the continuing

though less marked reliance on the charisma of Rawlings ensured the survival of the party beyond the 2000 general elections. The waning influence of Rawlings on the party was seen in the rejection of his favorite candidates for positions in the party by the party's delegates. Rawlings' influence on the party reached its low point when an overwhelming majority of the party's delegates voted against his wife's bid to lead the party in the 2012 general elections (Bob-Milliar, 2012b: 595). Moreover, by winning the 2012 general elections without the active support of Rawlings, the NDC had reached its final point of institutionalization. The party had successfully transformed itself from a "personalistic" party to a "real" political party (Ayelazuno, 2013).

Since the NPP was founded, it has never been under the control of any single individual. It has instead relied on the legacy of the Danquah/Busia tradition for its mobilization. It has survived the death of many of its political stalwarts. Not even the death of its de facto spiritual leader and first national chairman, B. J. da Rocha, in 2010 has affected its fortunes. The party is only not controlled by any individual but it has resisted any attempt to exercise such control. When President Kufour assumed office in 2001, he tried every means to control the party but his maneuverings were thwarted by the members of the party. In 2008 and in 2012, the party's delegates rejected his bid to impose his political protégé, Alan Kyeremanteng, as the presidential candidate of the party. Instead, the delegates voted overwhelmingly for his political rival, Nana Akufo-Addo. Therefore, in terms of reliance on organizations and procedures, both the NDC and the NPP have achieved some degree of complexity.

Coherence

The NDC and the NPP have internal party factionalism to deal with. Each faction within a party tries to outwit the other in internal party contest (Bob-Milliar, 2012b:574). However, both parties have internal mechanisms of conflict resolution, which help to keep each party together. This is possible because members of a political party share a common political ideology which gives each party its internal coherence and consensus, and differentiates it from the other.

The NDC has its internal coherence and consensus that differentiates it from the NPP. Both the Constitution and the manifesto of the party outline its ideology, upon which its policies and programs are based. Article five of the party's Constitution describes the NDC as "a Social

Democratic Party that believes in the equality and the egalitarian treatment of all persons irrespective of their social, cultural, educational, political, religious and economic relations in a multi-party environment” (NDC Constitution, 1992:6). Internationally, the NDC is a member of the Socialist International, an international association of social democratic and labor parties. In the foreword to the party's 2008 manifesto, its presidential candidate, John Atta-Mills, blamed the NPP’s “failure” in the area of the economy, education, employment, health and the environment on its liberal economic policies. According to Atta-Mills, “Allowing the market forces free and unrestrained rein to give direction to our development agenda has failed to give employment to willing workers, leaving a nation grappling with a large section of its population very despondent” (NDC Manifesto, 2008:1). Atta-Mills further accused the NPP administration of amassing wealth to the detriment of the people. He asserts:

“We are certainly not against wealth accumulation by individuals and groups but as a Party that is anchored to the social democratic philosophy and espouses the tenets of our ideology unashamedly, all our efforts must be geared towards protecting and supporting the vulnerable, the disadvantaged, the marginalized and the have-nots in society” (NDC Manifesto, 2008: 1)

Furthermore, the 2012 manifesto of the party also outlines the administration's achievements since it assumed office in 2009 in the area of education and health and the success of its poverty reduction strategies and programs. In the area of governance, the manifesto states that “As social democrats, the NDC believes that it is the duty of the Government to pull the marginalized, the disadvantaged and the poor into the mainstream of the socio-economic order” (NDC Manifesto, 2012:11). Therefore, it is clear from the above that the NDC believes that its policies and programs are based on its social democratic principles.

The NPP also has its internal coherence and consensus that differentiate it from the NDC. Its liberal democratic principles underpin its policies and programs. A quotation by J. B. Danquah, the founding father of the party's tradition, preceded the forewords to the party’s manifestos from 1992 to 2008. According to Danquah:

“The Party’s policy is to liberate the energies of the people for the growth of a property owning democracy in this land, with right to life, freedom and justice, as the principles to which the Government and laws of the land should be dedicated in order specifically to enrich life, property and liberty of each and every citizen”- J. B. Danquah, 1961

This statement by Danquah has been the guiding principle of the NPP since it was formed in 1992. The NPP believes that the collapse of communism has reinforced and vindicated its philosophy and calls on Ghanaians to embrace it. The 1996 election manifesto of the party made that point and stressed that “in the climate of opinion the world over, totalitarianism and the centrally planned economy are in retreat and liberal democracy and free enterprise are on the ascendancy” (NPP Manifesto, 1996: 3).

The NPP also believes that it is not the business of government to run businesses. Rather, it is the business of government to create an enabling environment for the private sector to thrive. Thus, when the NPP assumed office in 2001, President Kufour declared the “golden age of business” with the private sector as the “engine of growth” of the economy. Consequently, the government rolled out many policies and programs to empower the private sector. He established the Ministry of Private Sector Development and Presidential Special Initiatives. The Private Sector Development section of the ministry was “to provide an overall 'enabling environment' which allows private firms to operate efficiently and specific institutions and policies to promote private sector development” (GhanaWeb, 2002). The Presidential Special Initiatives were initiated by the president in collaboration with industries which process cassava, salt and textiles for export. The ministry was responsible for the coordination of these special initiatives (Ayee, 2008: 195).

Despite the strong rhetoric by both the NDC and the NPP about their commitment to their ideologies, their policies when in government have not strictly adhered to their ideologies. Moreover, in terms of the contents of manifestos, there is very little to choose between the two parties (Bob-Milliar, 2012a: 675). Therefore, many scholars are of the view that the two parties are non-programmatic. The NDC embraces market reforms and neoliberal economic policies and the NPP is not fundamentally against social democratic principles (Osei, 2012:147). For example, the NDC and its antecedent, the PNDC military regime, from 1983 to 2000 implemented the IMF/World Bank Structural Adjustment Programs. These programs are underpinned by policies such as privatization, public sector retrenchment and withdrawal of subsidies from social sectors such as education and health. Moreover, the NDC adopted social democracy as its ideology after it lost the 2000 general elections (Bob-Milliar, 2012a: 675). However, the NPP has articulated its liberal democratic principles in the party’s manifestos since

1992. Because of this, some scholars consider only the NDC as non-programmatic (Elisher, 2012:648). Since it returned to power in 2009, the NDC has implemented neoliberal economic policies because the administration is continuing with the privatization program which began in April 1989 with the adoption of the Structural Adjustment Programs. In 2013, when President Mahama inaugurated the new members of the Divestiture Implementation Committee, he instructed them to divest the remaining government assets before the end of 2016 (Ministry of Finance, 2013).

For the NPP, despite its liberal democratic orientation, it has implemented many social intervention programs. These include the national health insurance scheme, the school feeding program for schools in deprived communities, the national youth employment program, the payment of capitation grants to public basic schools (these are grants given to all public basic schools for each pupil admitted following the introduction of the Free Universal Basic Education Program in 2005), the provision of free maternal health care and the implementation of the livelihood empowerment against poverty. These programs undermine the NPP's claim that it is a liberal democratic party.

Therefore, in terms of concrete policies, there are no differences between the NDC and the NPP. Rather, it is their master narratives and rhetoric in articulating their respective ideologies that are opposed to each other (Osei, 2012, 147). The propagation of different master narratives is very important for the parties because it gives each party its internal coherence.

In addition to political ideology, there are other factors such as class, ethnicity and regionalism which play a part in the coherence of the parties. However, these are not as important as ideology because all major Ghanaian political actors have displayed allegiance to distinct political ideologies since independence (Elisher, 2008:190). Again, the two political traditions provide ideological images for the parties, which cut across social cleavages such as ethnicity, region, urban/rural and social status (Whitfield, 2009: 623).

Autonomy

Political institutionalization, in the sense of autonomy, means "the development of political organizations and procedures that are not simply expressions of the interests of particular social groups (Huntington, 1968: 20). Therefore, any political organization that is the instrument of a social group - family, clan, class, ethnic group, region, lacks autonomy and institutionalization. In assessing the autonomy of the NDC and the NPP, this thesis pays attention to the extent to which the parties have managed to bridge the country's dominant cleavage lines such as ethnicity, class and regionalism to become national parties.

Ghana is a multi ethnic society. According to the 2010 National Population and Housing Census, the Akans are the dominant ethnic group (47.5 percent), followed by the Mole-Dagbani (16.6 percent), the Ewe (13.9 percent) and Ga-Dangme (7.4 percent). The mande forms the smallest ethnic group in Ghana (1.1 percent). The Akans are made up of a range of ethnic groups which include Asante, Fanti, Brong, Akyem, Akuapim, Bono, Denkyira, Nzema and others. The Mole-Dagbani is made up of Dagomba, Dagarti, Frafra, and Mamprusi (Arthur, 2009:51).

Administratively, Ghana is divided into 10 regions. The Akans inhabit the Ashanti, Eastern, Western, Central and Brong-Ahafo regions. The Mole-Dagbanis live in the three Northern regions, which are the Northern, Upper West and Upper East regions. The Ewes inhabit the Southern part of the Volta region. The Ga-Adangbes are the custodians of the Greater Accra regions, the capital of the country but are now in the minority because of the cosmopolitan nature of the region (Osei, 2012, 118). In reality, no region is homogenous in its ethnic composition. As a result of internal migration, all ethnic groups are scattered throughout the country. The Ashanti region has a number of settler communities inhabited by people from the three Northern and Volta regions. The northern part of the Volta region is inhabited by some Akan speaking people and other minority ethnic groups from Togo. The northern part of the Brong-Ahafo has the same demographic characteristics as the three Northern regions. Similarly, the Krobo, a non-Akan speaking people inhabit part of the Eastern region which is largely Akan.

According to the 2010 Population and Housing Census, the proportion of Ghanaian population living in urban areas is 50.9 percent. The Greater Accra region has the highest proportion of urban population (90.5 percent) followed by Ashanti region (60.6 percent) (Ghana Statistical

Service, 2010: 3). The rest of the eight regions are mostly rural and the proportions of their population living in urban areas are below the national average. The Central, Brong-Ahafo, Eastern and Western regions have 47.1 percent, 44.5 percent, 43.4 percent and 42.4 percent of the proportion of their population living in urban areas, respectively. At the bottom of the ladder are the Volta, Northern, Upper East and Upper West regions with 33.7 percent, 30.3 percent, 21.0 percent and 16.3 percent proportion of their population living in urban areas, respectively (Ghana Statistical Service, 2010: 21).

The level of urbanization of the regions is related to the level of industries and commercial activities, development and poverty. Consequently, the Greater Accra and Ashanti regions have the highest concentration of industries and commercial activities (Ghana Statistical Service 2010: 3). They are also relatively well-developed and have low levels of poverty. They are followed by the Central, Brong-Ahafo, Eastern and Western regions. The Volta and the three Northern regions have the lowest concentration of industries and commercial activities, highest level of social development deficits and are the poorest (Institute of Statistical, Social and Economic Research, 2013).

Ethnic undercurrents have been part of Ghana's electoral politics since the inception of the Fourth Republic. The NDC is perceived as an Ewe based party while the NPP is perceived as an Asante/Akan based party (Asante and Gyimah-Boadi, 1996:248). During the 1992 and the 1996 general elections, the NDC won massively in the Volta region and the NPP won handsomely in the Ashanti region. However, the use of ethnicity as an explanatory factor for the outcome Ghana's elections gained currency after the 2000 and the 2004 general elections. For example, to explain the victory of the NPP during the 2000 presidential election, Nugent argues that the NPP "ensured that the Ashanti and Brong-Ahafo renewed their loyalties and brought other Akan voters from the Central, Eastern, and Western regions into the fold" (Nugent, 2001:6). Boafo-Arthur shared similar sentiment as he was of the view that the characteristic pattern of the two elections (2000 and 2004) reflected the Akan/non-Akan divide in the country (Boafo-Arthur, 2006: 4). The NPP led by John Kufour, an Asante-Akan, won all the Akan regions and the Greater Accra region. The NDC under the leadership of John Evans Atta-Mills, a Fanti-Akan, won the Volta, Northern, Upper East and Upper West regions.

Despite the Akan/non-Akan voting pattern that characterized the 2000 and the 2004 general elections, ethnicity does not provide a sufficient explanation when it is held to a close scrutiny. In 1992 and 1996, former President Rawlings, born to a British father and an Ewe mother, won in the Volta, Upper East and Upper West and Greater Accra regions. He also won the Central and Western regions (Arthur, 2009: 53, Osei, 2012: 119). However, during the 2000 and 2004 general elections, Atta-Mills, a Fanti-Akan from the Central region could not win any of the five Akan regions but he managed to win the Volta and the three Northern regions. The defeat of Atta-Mills in the Central and other Akan regions was attributed to the fatigue with Rawlings' rule and a desire for change. Therefore, the mere fact that Atta-Mills was from the Central region was not a convincing reason for the people to vote for him (Osei, 2012: 120).

During the 2008 general elections, apart from the Ashanti and Eastern regions, Atta-Mills won the three other Akan regions, the Volta, Greater Accra and the three Northern regions. However, Nana Akufo-Addo, the presidential candidate of the NPP, an Akyem-Akan, won in only two Akan regions. Similarly, during the 2012 presidential election, the presidential candidate of the NDC, John Mahama, a Northerner, won eight regions including the Akan regions of Central, Western and Brong-Ahafo. Significantly, the NDC made inroads in the Ashanti region and won substantial votes from the NPP stronghold. The NDC increased its percentage of votes in the Ashanti region from 25.61 percent in the 2008 general elections to 28.35 percent in the 2012 general elections. However, Nana Akufo-Addo could not win beyond the two regions he won in 2008, the Ashanti and Eastern regions.

Overall, though ethnicity influenced the way some regions, particularly the Ashanti and Volta regions have voted since 1992, it cannot explain the voting pattern in other regions. This leads to another school of thought, the socio-economic explanation. According to this school of thought, support for the NPP and the NDC are predicated on social and economic conditions. Traditionally and historically, the NPP does well in areas and regions that are relatively developed and wealthier. Coincidentally, these regions happen to be the Akan regions. Conversely, the NDC wins massively in the areas that are relatively underdeveloped and poorer. These are the Volta and the three Northern regions, which are inhabited by different minority ethnic groups. This support for the parties is reinforced by historical and ideological reasons, which are the socialist and the capitalist predilections of the Nkrumahist and the Danquah-Busia

traditions, respectively. According to this school of thought, this explains why the NDC does exceptionally well in the Volta, the three Northern regions and in marginal and peripheral areas in other regions. And, conversely, it explains why the NPP does exceptionally well in the Ashanti and Eastern regions and in regional capitals and principal cities across the country (Nugent, 1999:305; Osei, 2012:130-131).

Another explanation for voting based on socio-economic conditions has to do with the understanding of the voting pattern in the swing regions, Central, Western and Greater Accra. The second explanation based on socio-economic condition is related to the idea of retrospective voting. The explanation is that " areas where political elites have catered to the demands of the masses will be politically content, whereas areas that feel neglected will be more apt to change their electoral preference" (Friday, 2012:110). According to Lindberg and Morrison (2005, 2008) this explains why the Greater Accra, Central, Brong-Ahafo and Western regions have oscillated between the NDC and the NPP.

The conclusion that can be drawn from the above discussion is that political competition and voting pattern are ethnic, regional, socio-economic, party tradition and ideology. Therefore, to win an election, a party must transcend the interest of any particular region, ethnic or social group. In this vein, the NDC has worked beyond its traditional support base among rural dwellers to attract the support of those in the urban areas. Also, the NPP has tried to shed its image of an elitist party to attract the support of rural dwellers. In addition, the two parties have since 2000 changed the composition of their leadership by incorporating leading personalities from across the country. The NDC and the NPP are now autonomous and no longer the instruments of any particular social groups. They have national appeal and aggregate the interests of a broad spectrum of Ghanaian society.

If the two parties have achieved some degree of institutionalization, what about the two-party system? This is examined in the following sub-section.

4.6.2 THE INSTITUTIONALIZATION OF THE TWO-PARTY SYSTEM IN GHANA

According to Mainwaring and Scully (1995), a party system is institutionalized if four conditions are satisfied. These are;

- That there must be stability of competition;
- That major political parties must have somewhat stable roots in society;
- That political elites must accord legitimacy to the electoral process and to political parties; and
- That party as organizations should matter (in other words, parties should have been institutionalized)

The discussion will focus more on the first three conditions since the last point has already been taken care of in the above discussion on the institutionalization of the political parties.

Stability of Competition

Since Ghana made its transition to democratic rule, elections have been held every four years. Elections are also keenly contested between the NDC and the NPP because their electoral strengths are almost equal. The NDC won the 2008 presidential run-off with less than one percent of the votes above that of the NPP (the NDC, 50.22 percent and the NPP, 49.77 percent). The results of the 2012 presidential election were similarly very close (the NDC, 50.70 percent and the NPP, 47.74 percent). Again, as illustrated in Table 5 above, since 2000, the number of parliamentary seats controlled by the NDC and the NPP are almost equal. Also, inter-party competition has also been very keen. Both the NDC and the NPP regularly organize party conferences and conventions to elect party officers. Therefore, since 1992 both intra-party and inter-party competitions have been very stable.

Political Parties with Stable Roots in Society

As discussed already, political parties in Ghana in the Fourth Republic rally around two major political traditions, the Danquah/Busia and the Nkrumahist. These traditions are deeply rooted in Ghanaian politics. They shape public opinion and influence how the electorate votes during general elections. In arguing that the current political system in Ghana is institutionalized,

Lindberg asserts that “while political parties in Ghana are relatively new in name, dating from the inception of the last period of multipartyism in 1992, they represent stable and recurring political alignments among voters as well as elites in Ghana’s political history of 22 competitive elections” (Lindberg, 2007: 221). The recurring nature of these political alignments manifested by the electoral dominance of the NDC and the NPP since 1992 is an indication of the extent to which the two political parties have established firm roots in Ghanaian society.

According Legitimacy to the Electoral Process and to Political Parties

Mainwaring and Scully (1995) argue that in an institutionalized party system, political elites accord legitimacy to the electoral process and to political parties. In Ghana's situation since 1992, elections have become the only means of getting access to political power, and political parties accept that fact. That was established during the 2000 and 2008 general elections, which resulted in political turnovers (Abdulai and Crawford, 2010). The two parties accept that once they lose an election, the only time of recapturing political power will be during another election cycle. They therefore couch their messages and propaganda towards that end. For example, after the 2012 general election, the message of the NDC administration was that it was working hard to fulfill its electoral promises in order to retain power in 2016. And the NPP has urged its supporters to close their ranks and work assiduously to recapture political power in 2016. Moreover, campaigning for next general elections starts right after general elections.

Again, under the current party system in Ghana, political parties are the real actors in determining who governs. They are the only vehicle for access to political power. Independent presidential candidates hardly win any votes and independents make up less one percent of the 275 MPs (see Table 5 above).

The Importance of Political Parties

Both the NDC and the NPP have resisted attempts to subordinate the interest of the party to the interest of ambitious leaders. The NDC was formed based on the vision of Rawlings but the party has assumed a life of its own. The party structures function independently of his influence and charisma. It has the organizational abilities to win elections without the active support of Rawlings. The NPP is also not controlled by any single individual. Moreover, both the NDC and the NPP are territorially comprehensive and well-organized. They have structures throughout the

country and field parliamentary candidates to contest elections in almost all the constituencies across the country. As past elections have shown, they have the resources to pursue effective and well co-ordinated campaigns.

However, there are problems and a lack of transparency in the manner the NDC and the NPP raise their campaign finances since they have failed to submit audited accounts to the EC as required by law. Again, very few people are card-carrying members of the political parties and among this group most registered members do not pay dues. In addition, the parties do not keep up-to-date register of members because of poor record keeping (Bob-Milliar, 2012a: 676). In reality, the parties raise their campaign finances through party financiers who have either benefited from contracts from a ruling party or anticipate to be rewarded when a party comes to power. But the activities of party financiers have had some negative consequences on Ghanaian politics. First, they perpetuate the patronage driven politics as government contracts, jobs and other benefits are distributed not based on competence but on one's ability to have access to political patrons. Second, they compromise the quality and increase the cost of public projects by doing shoddy work, especially in road construction projects. Third, they make smaller parties uncompetitive since party financiers target only the two dominant parties, the NDC and the NPP. Because of these problems, the idea of state funding of political parties is a perennial issue which has been debated since 1993 but the political elites have yet to reach a consensus on the matter.

Having demonstrated that based on the two models above that the two political parties and the de facto two-party system in Ghana have attained some degree of institutionalization, what has been their contribution in the democratic process?

4.7 THE ROLE OF THE INSTITUTIONALIZATION OF POLITICAL PARTIES AND PARTY SYSTEM IN THE DEMOCRATIC PROCESS

Political parties are important in the democratic process because of the functions they perform. These functions include political recruitment, interest articulation and aggregation, political participation, and political socialization (communication and education). Political parties perform these functions effectively if they are institutionalized but weak political parties lack the capacity to perform them (Sandbrook, 2006, Morrison, 2004, Web and White, 2007, Randall and Svendsen, 2002). Party system institutionalization facilitates democratic consolidation because it

gives legitimacy to the political system by ensuring stability and predictability in governance (Mainwaring and Scully, 1995).

The next section examines the extent to which the political parties have been able to effectively perform their function and the challenges they face in the democratic process in Ghana.

4.7.1 THE CONTRIBUTION OF THE POLITICAL PARTIES TO THE DEMOCRATIC PROCESS

Political parties in Ghana contribute to the democratic process by performing the functions expected of any genuine political party in any democratic society. These functions are discussed below.

Political Recruitment

Since 1992, political parties have served as the main channel of recruiting personnel into the political system. The parties do this, mainly but not exclusively, through their youth and student wings. They recruit and groom young people for leadership positions. Political recruitment is evident by the growing number of young people in political positions. Presently, there are young men and women holding key government appointments. The youth are also important in revamping the fortunes of the political parties especially after an electoral defeat. The Youth Forum, a group affiliated to the NDC, was very instrumental in the reorganization of the party after its electoral defeat in the 2000 general elections. The Young Patriots, the youth wing of the NPP, is engaged in political mobilization to help the party to recapture political power in the next general elections in 2016.

Political parties recognize the importance of political recruitment as their integral organs serve as agents for recruiting people into the party fold. The Young Democrats, the youth wing of the NDC, and the Tertiary Institutions Network of the NDC, the student wing, serve as agents for leadership recruitment into the NDC. Similarly, the Young Patriots and the Tertiary Students Confederacy of the NPP, the student wing, also serve as agents for leadership recruitment into the party (Bob-Milliar, 2012a: 679). The youth and student wings provide stable transition platform for leaders of student organizations, youth groups and young professionals to make a smooth transition into leadership positions to the national level. The effective recruitment ensures the survival of the parties because they are able to replace the old with the new generation of leaders. Again, the parties have specialized organs which mobilize support for

them in areas where they do not have popular support. The NPP Nasara Club mobilizes support for the party from the northern and settler and Muslim communities in southern part of the country for the party. It also sometimes serves as "a powerful lobby group for party's Muslim members and candidates for top party positions" (Elischer, 2008:188)

Political Socialization (Political Communication and Education)

In terms of political socialization, that is, providing information that helps citizens form opinions (Morrison, 2004:431) and socializing the electorate into democratic norms and practices (Randall and Svendsen, 2002:34), political parties in Ghana have done very well. The proliferation of the print and electronic media and the unfettered freedom that the media enjoy enhance political socialization. There are various ways of conducting political socialization. In the first place, political socialization entails political parties communicating and propagating their ideologies and visions which are aimed at making them attractive and distinct from their opponents. In this regard, the populist NDC projects itself as the champion of the margins, the working class and the disfranchised while the liberal NPP presents itself as a business friendly capable of creating an enabling environment for the prosperity of all Ghanaians (Osei, 2012: 125-138). In doing this, political parties employ a large cadre of communicators who represent them on various media programs during political discussions.

Again, political socialization entails a party portraying an opponent party in a negative way to make it unattractive to the electorate. The NDC projects its leaders as coming from the working classes who are humble, selfless, and downtrodden and who understand and feel for the poor. It then projects the NPP as elitist, representing the sectional interest of the privileged few. It portrays the NPP leadership as well-endowed members of the upper class, who are arrogant and have no connection with the poor masses. The NPP, on its part, projects itself as the defender and promoter of democracy, the rule of law, respect for human rights and freedoms. It portrays the NDC as a violent and a revolutionary party, associated with human rights abuses and curtailment of freedom. Indeed, during every election, the NPP campaign advertisements remind Ghanaians about the human rights abuses which occurred under the PNDC military regime and during the first term of the NDC administration from 1993 to 1997.

In addition, socialization is a means of perpetuating the two political alignments or cleavages in Ghanaian politics. In doing this, the NPP touts the political contribution of the Danquah/Busia tradition to the political history of Ghana. It denigrates the Nkrumahist tradition by reminding the electorate of the dictatorship that characterized Nkrumah's administration in the 1960s. In order to counter that argument, the NDC trumpets the social and economic development that Ghana achieved in the 1960s under former President Nkrumah. It seizes every opportunity to deride the Danquah/Busia tradition and portrays its leadership as the enemies of the country who allegedly collaborated with the Central Intelligence Agency (CIA) to sponsor a military coup d'état against socialist government of Nkrumah in 1966. In 2009, the NDC used its majority in Parliament and passed a bill which recognized Nkrumah as the only founding father of Ghana. The NPP resented that move and argued that Ghana has founding fathers, which includes the founding members of the Danquah/Busia tradition.

Finally, political parties engage in political socialization through political education. The student wings of the political parties provide avenues in the form of meetings, political forums and seminars where political party leaders are invited to educate students on the ideologies, the visions, the programs and the policies of a party. The programs are aimed at reinforcing the ideological beliefs of students and are also aimed at reorienting and converting new members. Socialization is enhanced by liberal tertiary education, which exposes students to different political philosophies. This explains why students in the tertiary institutions join either the Tertiary Institutions Network of the NDC or the Tertiary Students Confederacy of the NPP (Bob-Milliar, 2012a:678). Finally, the student and youth wings of the parties attend annual party conferences and conventions where they interact with party leaders, take part in discussions of party matters and vote in party primaries.

Interest Articulation and Aggregation

Political parties facilitate the democratic process through interest articulation and aggregation. Interest articulation refers to the role parties play in openly expressing and pursuing the political demands of a particular group. Interest aggregation is the way by which parties put together the demands of different social groups (Webb and White, 2007:15). In Ghana, political parties perform these functions by preparing comprehensive manifestos during election periods. These

manifestos outline in detail the demands of various social groups and the policies and programs that a party would pursue to address them when given a political mandate to govern. Since 1992, preparations of party manifestos have been very important activities on the electoral calendar and the political parties make sure they get it right (Ayee, 2011). Party manifestos are launched with huge media fanfare. To compile good and comprehensive manifestos, leaders of political parties organize stakeholder meetings with different groups to solicit their views which are incorporated in the final manifesto. Interest aggregation is particularly important for the two dominant parties because of the need to broaden their support bases in order to win political power.

Political Participation

Political participation overlaps with political recruitment because getting people to occupy leadership positions is also a form of participation. However, participation is broader than recruitment since it has to do with the capacity of the political parties to engage in mass participation in the form of the activity of members and in the form of mobilization for electoral turnout (Webb and White, 2007: 16). Participation is important because it is an indication of the popular legitimacy of the political process. The political parties open up the political space by providing the opportunity for Ghanaians from various sections of the society to participate in the political process.

In this regard, at the party levels, the NDC and the NPP have increased the number of delegates for their electoral colleges and have given the opportunity for a greater number of party supporters to participate in the election of party leaders. The NPP has made considerable progress in this regard and it has an electoral college of 115,000 delegates from the previous 2,350 delegates. The NDC has embarked on a process to amend its Constitution to give each party member a vote in party primaries for the election of presidential and parliamentary candidates.¹² More significantly, participation is evident in the growing importance of large cadre of party foot soldiers who, though not card-carrying members of their parties, give unflinching support and loyalty to their party (Fobih, 2010:35). They engage in mobilizing support for their parties, especially during elections. However, because of the demanding nature

¹² "NDC reforms distinct from NPP – AsieduNketsia," KobbyAsmah/Daily Graphic/Ghana, October 09, 2013, posted on graphic.com <http://graphic.com.gh/archive/Politics/ndc-reforms-distinct-from-npp-asiedu-nketia.html> (December 15, 2013)

of their jobs, party foot soldiers "seek selective incentives for their activism" (Bob-Milliar.2012a:682).

Moreover, at the national level, political parties take participation very seriously, especially during voters' registration exercises and during national elections. Consequently, they organize many programs such as voluntary community services and sporting activities and take advantage to educate their supporters on the need to take an active part in the political process. These have resulted in a high voter turnout in every election. The turnout for the 2012 general elections was 79.43 percent. Again, participation is very important for the NDC and the NPP because of the competitive nature of elections. The NDC and the NPP are very aggressive in mobilizing support in their respective regional strongholds. The NDC stronghold of the Volta region and the NPP stronghold of Ashanti region have recorded higher turnouts than the national averages in previous elections. Though the parties attribute these turnouts to the intensity of their mobilization strategies, the higher turnouts are also the result of the manipulation of the electoral process (Smith, 2002a, 2002b, Jockers et al., 2010). During the 2012 general elections, the turnout for the Ashanti region was 84.90 percent. The NPP won 70.86 percent of the votes and the NDC won 28.35 percent. The turnout for the Volta region was 75.74 percent. The NDC won 85.47 percent of the votes and the NPP won 12.93 percent of the vote (Electoral Commission, 2012). Also, political participation is important because of the importance of the swing regions in determining the outcome of elections. The political parties, including the small parties work assiduously to increase their votes in these regions to increase their chances of winning elections. Since 1992 the party that wins the swing regions ultimately wins the national elections (Morrison, 2004; Lindberg and Morrison, 2005; Friday, 2012).

4.7.2 THE CONTRIBUTION OF THE POLITICAL PARTY SYSTEM TO THE DEMOCRATIC PROCESS

The institutionalization of the two-party system has helped further the democratic process because the political parties are the most important actors in determining access to political power. Again, the political parties by increasing the level of participation in the political process have enhanced the legitimacy of the political system. They have developed the capacity to shape public opinion and to influence how people vote during elections. Also, the institutionalization of

the two-party system has reduced the role of personalities as the parties control the selection of candidates and appointments and therefore control the personnel in government.

In addition, because of the institutionalization of the two-party system, the political parties are more than just vehicles for ambitious political leaders. Politicians who form their own political parties to further their personal ambitions have failed to make any impact on the political landscape. For example, in 2000, Goosie Tanoh, a very close associate of Rawlings, felt disgruntled with the NDC when a former vice-president, Evans Atta-Mills, was selected to lead the party in the 2000 presidential election. Goosie Tanoh along with other leaders of the NDC resigned from the party to form the National Reform Party (Frempong, 2007b:152). He contested the 2000 general elections as its presidential candidate and performed abysmally as he garnered only 1.2 percent of the votes and the party did not win a single parliamentary seat (Bob-Milliar, 2012b: 587). The same was true with Charles Wereko-Brobey, a founding member of the NPP. In 2000, he broke away from the NPP to form the United Ghana Movement and contested the 2000 presidential election on the ticket of his party. He won only 0.3 percent of the votes and the party did not win a single parliamentary seat (Nugent, 2001:421). In 2006, Dr. Yao Obed Asamoah and a few national executive members of the NDC resigned from the party when they lost their positions during the party's congress citing intimidation and harassment. They formed the Democratic Freedom Party and participated in the 2008 general elections. However, the party performed poorly as its presidential candidate, Emmanuel Ansah-Antwi, won only 0.33 percent of the votes (Bob-Milliar, 2012b:590).

Also, Nana Konadu-Agyemang Rawlings was until 2001 the most powerful woman in Ghanaian politics. As the first lady and president of the 31st December Women's Movement, the de facto women's wing of the NDC, she had a massive following among women, especially among those in the rural areas. Following her unsuccessful bid to lead the NDC in the 2012 general elections, she resigned from the NDC to form a new party, the National Democratic Party, with the support of her husband, former President Rawlings. She was subsequently elected as the presidential candidate of the party. However, she was disqualified by the Electoral Commission from contesting the election because her nomination forms were incomplete as they did not contain the requisite number of people from across the country to endorse her candidature (Myjoyonline.com, 2012, October 18). Though the party participated in the parliamentary

election, it did not win a single seat. Apart from the National Democratic Party, all the breakaway parties have rejoined their mother parties. Wereko-Brobby rejoined the NPP after the 2000 general elections and Goosie Tanoh and Obed Asamoah rejoined the NDC after the 2008 general elections.

Furthermore, the institutionalization of the two-party system has increased the stability and the predictability of the political process. Political parties have committed to winning elections and coming to power through peaceful means. This is because the two parties know that if they work very hard, they have the chance of winning election to form the next government. The alternation of political power on two occasions has reinforced the legitimacy of the electoral process as both parties see election as the only legitimate means of accessing political power (Abdulai and Crawford, 2010).

Moreover, the institutionalization of the two-party system has helped foster accountability to the electorate by governments. The electorate may vote out any government that refuses to be accountable and transparent in the management of the country. The NDC and the NPP lost the 2000 and 2008 general elections, respectively because of perceived corruption, incumbency abuse, insensitivity to the plight of Ghanaians and arrogance of power (Gyimah-Boadi, 2001, Nugent, 2001; Gyimah-Boadi, 2009; Whitfield, 2009; Jockers et al., 2010).

Despite the fact that the political parties and two-party system have made some positive contribution Ghana's democratic process, they also pose challenges which are discussed below.

4.7.3 THE CHALLENGES FACED BY THE POLITICAL PARTIES AND PARTY SYSTEM IN THE DEMOCRATIC PROCESS

Mainwaring and Scully (1995) argue that an institutionalized party system in itself does not automatically bring or even foster most results that one hopes a democracy would produce, because institutionalized party systems operate in different ways. Some may promote tolerance and compromise but others may encourage extremism and zero-sum politics. The latter appears to be the situation in Ghana. The de facto two-party system has encouraged extremism and zero-sum politics between the NDC and the NPP. Gyimah-Boadi and Kwasi-Prempeh aptly describe the situation when they observe that:

“Ghanaian democracy is far messier than is typically portrayed; it has been described as “factional,” “venomous,” and “acrimonious.” Political contestation rarely focuses on principled policy based disagreement over concrete issues. Personal attacks and *ad hominem* accusations are more common. Every matter of significant public interest or controversy, even the fratricidal killing of a local chief, is seized upon by the two rival parties and turned into an occasion of political grandstanding and gamesmanship. Underlying this increasingly incendiary tone of contemporary Ghanaian politics is the winner-take-all, zero-sum character of the country’s political system” (2012, 101).

Again, the two-party system in which the electoral strength of the NDC and the NPP is almost equal has turned Ghana’s electioneering campaigns into a “do-or-die” affair. Because of the “desire to win at all costs”, parties employ all sorts of measures including those that undermine and delegitimize the electoral process. These measures include attempts to physically prevent supporters of rival parties from registering to vote in the strongholds of political opponents. In addition, parties use violence and intimidation against registration officers who refused to yield to their demands not to register perceived political opponents. The biometric voters’ registration exercises organized by the Electoral Commission in 2012 to prevent multiple registrations were undermined by both the NDC and the NPP¹³ as they subtly encouraged their supporters to engage in multiple registrations. The Commission detected and eliminated 8000 instances of such multiple registrations (Nii Abbey, 2012). Again, the registration exercise was characterized by widespread violence as some leaders of the political parties were physically attacked in some registration centers. There was widespread violence which prompted the condemnation of the parties by civil society groups.¹⁴ Though the introduction of the biometric verification system has reduced the ability of the parties to significantly manipulate electoral turnout in their strongholds, it has not eliminated it completely (Nugent, 2012).

¹³ “4,000 multiple registration detected at on-going Biometric Voter Registration-EC,” GNA, April 18, 2012, posted on GhanaWeb <http://www.ghanaweb.com/GhanaHomePage/politics/artikel.php?ID=236304> (December 15, 2013)

¹⁴ Gun Shots Rock Biometric Registration, Daily Guide, March 26, 2012, posted on citifmonline.com, <http://www.citifmonline.com/index.php?id=1.833865> ; Prez Mills Condemns Violence At Biometric Registration Centres, KobinaWelsing/Radioxyzonline.com, April 5, 2012, posted on radionxyzonline.com, <http://edition.radioxyzonline.com/pages/politics/thu-04052012-1004/prez-mills-condemns-violence-biometric-registration-centres>; Presby Moderator Slams Violence Associated With Biometric Registration Exercise, Ghana News Agency, April 12, 2012, posted on vibeghana.com, <http://vibeghana.com/2012/04/12/presby-moderator-slams-violence-associated-with-biometric-registration-exercise/> and Parliament To Summon IGP If Voters’ Registration Violence Persist, Myjoyonline.com News, April 13, 2012, posted on myjoyonline.com, <http://politics.myjoyonline.com/tgpolitics/print/index.php?url=http://politics.myjoyonline.com/pages/news/201204/84879.php&contentid=84879> (accessed on June 7, 2013)

Another way the political parties pose serious challenge to the democratization process is the limited internal democracy in their organizations. Party patrons put pressure on other candidates to step down in favor of their preferred ones. Intra-party contests in the NDC and the NPP are very acrimonious as supporters of rival candidates harass and intimidate and sometimes physically attack each other during party primaries.

Moreover, political recruitment is not as broad as it should be. As a result, only those with the financial resources and political connections are able to venture into politics. This has limited the access to political office to a select few. Though limited political recruitment is mainly due to resource constraints, it is also due to the organizational weakness of the NDC and the NPP. As Osei observes:

“While the NPP and the NDC are especially able to mobilize substantial numbers of often enthusiastic voters and sympathisers, their more serious shortcomings lie in the participation of party members in decision-making. Accountability is poorly developed and the dependence of party financing on the personal resources of the local executives excludes poorer people from the higher stages of party politics” (Osei, 2012: 169).

Since the legitimacy of the political system rests on the mass participation by citizens and on the ability of every qualified person to contest for political office, limiting political recruitment has the potential to undermine participation. This can compromise the legitimacy of the political system and therefore derail the democratic consolidation process because political alienation can de-legitimize the political system.

Another challenge posed by the political parties to the democratic process is the level of political violence and impunity perpetuated by the supporters of the NDC and the NPP. Very often, ruling party foot soldiers not happy with a decision by party leadership or feeling "neglected" by their party, have taken over or destroyed public property but are not arrested by the police as a result of political interference. The inaction of the police and other security agencies has emboldened these party foot soldiers who see the electoral victory of their political party as a license to engage in acts of lawlessness or demand their share of spoils of victory. In 2009 and 2010, the Atta-Mills administration was faced with a political crisis when the NDC party foot soldiers citing "neglect" by the government seized some income generation ventures such as public lorry parks, public toilets and forcibly took over the district offices of the national health insurance

scheme and the national youth employment program across the country. For example, in the Upper West region, a youth group which campaigned for the party, stormed the office of the regional minister, snatched and burnt contract tender documents because the regional minister, a political appointee, had failed to award them contracts since he assumed office. Instead of the security agencies arresting the irate youth for causing damage to public property, they were rather rewarded and appeased by the president with the sacking of the Regional Minister, Mahamud Khalid (Zoure, 2010).

Again, in 2011, irate NDC youth in Tamale, the capital of the Northern region, seized eight out of eleven cars which were being auctioned by the management of the Tamale Regional Hospital. The youth accused the regional NDC executives of denying them jobs since the party came to power but no one was arrested in that incident too (Myjoyonline.com, 2011). These incidents demonstrate that a neopatrimonial regime that fails to distribute selective incentives to political clients can easily lead to democratic instability (Adu-Bempah Brobbey, 2013).

4.8 CONCLUSION

The analysis in this section shows that the institutionalization of the political parties has enhanced the political parties' ability to perform their functions effectively. These functions include political recruitment, interest articulation and aggregation, political participation, and political socialization (communication and education). Political parties are able to perform these functions when they are strong. Weak political parties do not have the organizational capacity to function effectively. The ability of the parties in Ghana to perform these functions has increased the legitimacy of the political system because they facilitate the participation of most people into the political process and the public policy making process.

Also, the institutionalization of the two-party system has increased the stability and the predictability of governance as all the major political actors recognized the legitimacy of the electoral system. Because of this, political parties have committed themselves to capturing political power through elections.

However, the analysis also demonstrates that there are problems that need to be addressed. These include high political polarization between the NDC and the NPP, attempts by the political parties to manipulate the electoral process to win election by all means, limited internal

democratic principles in the operation of the political parties and limited political recruitment as a result of some organizational weaknesses of the NDC and the NPP. How these challenges can be addressed so that political parties and party system can effectively contribute to Ghana's democratic consolidation process will be discussed in the concluding part of this study. The next section discusses the role of civil society in the democratic process.

SECTION THREE

4.9 CIVIL SOCIETY

Chapter six of the 1992 Constitution makes provision for the existence of civil society groups. It guarantees the fundamental rights and freedoms of every person. These fundamental rights and freedoms include the right to freedom of association. Civil society groups played an active role during the transition to democratic rule in 1992 and have since been very vibrant with the promulgation of the 1992 Constitution (Gyimah-Boadi, 2001). In many ways, civil society groups function like political parties except that they do not intend to capture political power. They are rather concerned with influencing public policy through advocacy. In performing their role, civil society groups have contributed to the deepening of the democratic process.

4.9.1 THE CONTRIBUTION OF CIVIL SOCIETY TO THE DEMOCRATIC PROCESS

Civil society groups in Ghana including religious and professional associations, policy think tanks, the media and other interests-based organizations have played an active role in the democratic process. They have played a role in elections since 1992 and their role has expanded with every election and it became prominent during the 2000 general elections because of the technical and financial support they received from the international community. Again, civil society groups have worked with relevant state institutions and bodies to improve the quality of governance and the quality of the electoral process. Consequently, the role of civil society groups has enhanced the transparency and integrity of the electoral process. During elections, civil society groups contribute by building the capacity of state institutions and bodies, by engaging in civic education and by monitoring the electoral process.

The role of civil society in Ghana's electoral process was very prominent during the 2012 election. For the first time since the inception of the Fourth Republic, the international

community did not send fully-fledged election monitors because according to the European Union Representative in Ghana, “it has observed that Ghana has developed the internal structures and has the capacity to organize free, fair and transparent elections without the monitoring of the international community.”¹⁵ Only the African Union (AU), the Economic Community of the West Africa States (ECOWAS) and other Pan African organizations such as the Electoral Institute for Sustainable Democracy in Africa sent monitors but they arrived only a few days before the general elections. Domestic civil society groups, on the other hand, had monitored the electoral process and therefore had a better appreciation of the situation on the ground.

The most active civil society group that was very vibrant during the 2012 general elections was the Coalition of Domestic Election Observers (CODEO). It monitored the biometric verification registration exercise and issued reports on its assessment of the exercise.¹⁶ It recruited, trained and deployed 4000 election monitors who monitored the election. With the help of the Parallel Vote Tabulation (PVT)¹⁷ which it developed during the 2008 general elections (Gyimah-Boadi, 2009: 145), it was able to independently verify the authenticity of the results declared by the Electoral Commission.¹⁸

In addition to CODEO, other major policy think tanks such as the Institute of Economic Affairs (IEA), the Institute for Democratic Governance (IDEG), the Centre for Democratic Development (CDD) Ghana, and the IMANI Centre for Policy and Education, played various roles to improve the quality of the campaign and the credibility of the electoral process. For example, the IEA sponsored and facilitated the signing of the Political Parties Code of Conduct for election 2012 which was to guide the activities of the political parties during the campaign and to help defuse tension. The IEA also organized an 'Evening Encounter' with each of the presidential candidates of the political parties with representation in Parliament. These 'Evening Encounters' provided

¹⁵EU says will not monitor Ghana's 2012 Election, GNA, 16 October 2012, posted on Business Ghana <http://www.ghanabusinessnews.com/2012/10/16/eu-says-will-not-monitor-ghanas-2012-elections/> (15 December 2013)

¹⁶CODEO Press Statement on the Biometric Voter Registration Exercise, posted on codeoghana.org <http://www.codeoghana.org/index.php/news> (15 December 2013)

¹⁷ "The PVT combines statistical sampling and SMS text messaging technology to speed up the process of verifying election results. It allows observers to obtain election results within hours after the close of polls" - CODEO

¹⁸CODEO to Deploy Parallel Vote Tabulation (PVT) on Election Day, posted on codeoghana.org <http://www.codeoghana.org/index.php/codeo-to-deploy-parallel-vote-tabulation-pvt-on-election-day> (15 December 2013)

the forum for the presidential candidates to discuss their visions for governance with groups and unions. It also organized live telecasts of presidential and vice-presidential debates.

The CDD-Ghana in conjunction with the Ghana Federation for the Disabled organized capacity-building workshops and sponsored debates for the parliamentary candidates at the constituency level. The IDEG under the auspices of the National Peace Council, and with the support of the prominent and respected Ashanti King, Otumfour Osei-Tutu, former Presidents Rawlings and Kufour, facilitated the signing of the “Kumasi Declaration”. The declaration signed by all the political parties contesting the election was to take a stance against impunity, violence and injustice during the election campaign. The IMANI-Ghana discussed the manifestos of the political parties, and educated the electorate on the feasibility or otherwise of some of the promises. For example, it described as unrealistic and too ambitious the promise by the presidential candidate of the NPP to introduce free secondary education and asked the NPP to come clear on how it intends to fund the policy and its implications for other sectors of the economy. This action by the IMANI-Ghana turned the election into an issued-based campaign as the manifesto discussions forced the political parties to provide further clarifications of their proposed policies and promises.

Again, the media which played an unprecedented role during the 2000 general elections and whose vigilance contributed to the transparency of that election (Arthur, 2010) has since then continued to expand its role in covering of elections. It has enjoyed unfettered freedom since the repeal of the Seditious and Criminal Libel Laws by the Kufour administration in 2001. During the 2012 general elections, the media, especially the electronic media, designed special programs to provide opportunities for the political parties to explain their policies and programs to the electorate. The electorate had the opportunity to contribute to the discussions through phone-in sessions. They made suggestions and elicited feedback on their concerns from the political parties. For example, the state-owned television network, the Ghana Television, and some private electronic media organizations such the Multimedia Group Limited, the Despite Media Group Limited, the Metropolitan Entertainment Television, TV3 and Citi FM have developed the capacity to deploy reporters to most election results collation centers across the country. The Multimedia Group limited through its election analysis program, the “*Election Headquarters*”,

and on the basis of its provisional figures, has been able to accurately predict the winner of presidential elections since 2004.

However, the role of civil society groups in the democratic process is not limited to monitoring of elections only. Civil society groups have been very vibrant in promoting good governance as well. For example, governance think tanks like the CDD-Ghana, the IEA and the IDEG publish periodic independent assessments and evaluations of the performance of state institutions. These assessments and evaluations involve monitoring state institutions compliance with the Constitution and other laws and their performance relative to the functions conferred on them by the Constitution. The assessments and evaluations also examine the relationships between state institutions and recommend areas for improvement and reform. The governance think tanks also organize capacity-building workshops for independent bodies such as the Electoral Commission, the CHRAJ, the Economic and Organized Crime Office and the National Council for Civic Education. This is to enhance the capacity of the independent bodies in checking state institutions, improving horizontal accountability and facilitating good governance. For example, the CDD and the IDEG organized workshops for the staff of the CHRAJ to upgrade their skills to effectively perform their anti-corruption mandate.

In addition, the media and the Ghana Anti-corruption Coalition have done very well in exposing corruption scandals among politicians and public servants. Among the corruption scandals exposed by the media was the payment of US\$20.2 million judgment debt to an NDC financier, Alfred Agbesi Wayome, without any due diligence.¹⁹ Alfred Agbesi Wayome presented documents to the NDC administration in 2009 claiming that the former NPP administration owed him some money for financial engineering he did in connection with the construction of sports stadium projects before the 2007 African Nations Cups hosted by the country. Without consulting the officials of the former NPP administration, the attorney general authorized the finance minister to pay the money to Mr. Wayome. There was public anger and uproar when the matter became public. Following intense pressure by the media and civil society groups, government claimed it was deceived by Mr. Wayome, arrested and arraigned him before the

¹⁹ 'Woyome's GhC 51.2 million judgment debt was an error - Felix KwakyeOfosu', Myjoyonline.com | Richard NiiAbbey, August 17, 2012, posted on myjoyonline.com <http://politics.myjoyonline.com/pages/news/201207/90374.php> and Wayome's day in court, The Ghanaian Chronicle/Helena Selby, February 7, 2012, posted on thechronicle.com <http://thechronicle.com.gh/woyome%E2%80%99s-day-in-court/> (December 14, 2013)

court to recover the money. The matter is still pending before a Commercial High Court in Accra.

Other corruption scandals that were widely publicized were the financial embezzlements at the Ghana Youth Employment and Entrepreneurial Development Authority (GYEEDA) and the Savannah Accelerated Development Authority (SADA). Again, the media was very critical of the dubious contracts signed by the Ministry of Youth and Sports with some private service providers such RLG Communications Group Limited, Zoomlion Ghana Limited and Better Ghana Management Services Limited.²⁰ For example, an investigative report by the media revealed that Zoomlion Ghana Limited, a private waste management company, which managed 'the youth in sanitation program' under the youth employment program, paid the beneficiaries of the program less than what it claimed to have paid. Again, it was revealed that the company had not supplied the equipment that the beneficiaries needed even though it had received payment from the Ministry of Youth and Sports.

Also, many companies contracted under the public-private partnership initiative to provide skills training for the youth under the Local Enterprises Skills Development Program launched by the Ministry of Local Government and Rural Development in 2009, were paid by the Finance Ministry for no work done (New Era, November, 26, 2013). As a result of pressure from the public, Government announced measures to reform the GYEEDA and the SADA.²¹ The Ministry of Youth and Sports has reviewed dubious contracts with service providers and those who received payments from these contracts agreed with the attorney general and have refunded the payment. Officials implicated in the scandals were made to resign and the security agencies are probing them.²² However, civil society, particularly the Ghana Integrity Initiative, the local chapter of Transparency International demanded more action including the full publication of the

²⁰ 'GYEEDA rot: contracts heavily skewed in favour of 3 top chief executives', Myjoyonline.com, 25 July 2013, posted on myjoyonline.com <http://edition.myjoyonline.com/pages/news/201307/110125.php> (December 15, 2013)

²¹ 'Mahama Promises Radical Reform As GYEEDA Report Makes Unpleasant Reading', Daily Express, 18 July 2013, posted on dailyexpressonline.com <http://dailyexpressonline.com/mahama-promises-radical-reform-as-gyeeda-report-makes-unpleasant-reading-2013-07-18/> (15 December 2013)

²² 'GYEEDA rot: CID picks indicted officers for questioning – Mahama', Myjoyonline.com / Jerry TsatroMordy, 15 October 2013, posted on myjoyonline.com <http://www.myjoyonline.com/news/2013/October-15th/gyeeda-rot-cid-picks-indicted-officers-for-questioning-mahama.php> and 'EOCO Arrest 12 over GYEEDA rot', Highlife Radio, 16 October 2013, posted on highlifetoday.com <http://highlifetoday.com/eoco-arrests-12-over-gyeeda-rot/> (15 December 2013)

reports of the ministerial committee investigations into these scandals and the prosecution of those against whom the ministerial committee has made adverse findings.

Moreover, it has become increasingly difficult for governments to take the public for granted as policy think tanks provide alternative policy proposals that challenge official government policies and programs. State institutions are forced to be accountable since they have to compete with civil society group for media space to get their information to the people. The IMANI Centre for Policy and Education has been vociferous in challenging government policies like the Single Spine Salary Pay Structure, the new payment structure for public sector employees. It has presented the findings of its research to indicate why the policy is not sustainable in the long term. Furthermore, state institutions are forced to be accountable and follow due process in their decisions as civil society groups do not hesitate to challenge those decisions in court. For example, in 2011, the Development Data, an NGO, challenged the constitutionality of a levy imposed by the National Petroleum Authority on petroleum products. The High Court declared the actions of the Authority illegal and ordered it to return the amount it had collected into government coffers. Again, in 2013, the Centre for Freedom and Accuracy challenged the privatization of a state-owned bank, the merchant bank, by the Social Security and National Insurance Trust in court, though unsuccessfully. These actions have forced state institutions, companies and corporations to be forthcoming with information on their activities, thereby making them more transparent and accountable.

Finally, there are now think tanks with specialized knowledge and expertise in every sector of the economy. Since Ghana discovered oil in commercial quantities in 2007, new policy think tanks with knowledge in the energy sector have emerged to influence government policy in that area. One such think tank is the Africa Centre for Energy Policy. It has organized public forums and workshops to educate the public on the laws that regulate the management of the oil sector. Again, civil society groups and the media came together to form the Oil and Gas Platform, which monitored and influenced legislative proposals and outcomes during the oil and gas legislative process. As a result of this, “the involvement of organized civil society and the media throughout the legislative process made the development of the initial legal framework for oil governance in Ghana exceptionally participatory” (Gyimah-Boadi and Kwasi Prempeh, 2012: 98).

In addition to the above civil society groups, there are interest-based groups whose main objective is to represent the values and interests of their members and to influence public policy. Most of these interest groups have been in existence for a very long time, some of them dating as far back as the pre-independence era. In the past, in addition to representing the interests of their members, they were vociferous in their opposition to authoritarianism and unfavorable government policies. Therefore, both military and civilian regimes adopted various measures to undermine their activities and curtail their freedom to operate. Some of these measures include co-optation, harassment, intimidation and imprisonment. Consequently, the relationship between these interest groups and governments has been very acrimonious and confrontational (Grischow, 2011:182).

The most vibrant of these interest groups is the Ghana Trades Union Congress (TUC), an umbrella body of most labor unions, and the National Union of Ghana Students (NUGS), composed of students from high schools and all post-secondary institutions, but its activities are dominated by university students. Also, there is the Association of Recognized Professional Bodies (ARPB), made up of professional associations such as the Ghana Medical Association, the Ghana Bar Association, the Ghana National Association of Teachers, the Ghana Registered Nurses Association, and the University Teachers Association of Ghana. Successive governments have tried to suppress their activities and it was particularly severe under the PNDC because of the repressive nature of the military regime. For example, in 1983, students' demonstrations were brutally suppressed, the leadership of the ARPB and the TUC were physically attacked by soldiers and armed police officers, some were imprisoned and others went into exile. The office of the ARPB was invaded, office equipment was burnt and the TUC hall was forcefully occupied by cadres and commandos of the PNDC regime (Oquaye, 1995: 566-567).

However, after the promulgation of the 1992 Constitution on January 7, 1993 which is to guarantee the freedom of association, most old interest groups were revived and new groups were formed and flourished. However, the acrimony and confrontation which characterized the relationship among interest groups and the PNDC continued under the first and second term of President Rawlings. They were seen as part of the opposition to the government of the NDC.

Following the change in government in 2001 and with the coming into power of the NPP, the relationship between interest groups and the new administration was cordial. The NPP

administration had a favorable view of interest groups because they were together in their opposition to the PNDC and the NDC governments. Therefore, the freedom of association enshrined in the Constitution was upheld and reinforced with much legislation. For example, in 2003, Parliament passed the new Labor Act 2003 (Act 651) to regulate the activities and all aspects of workers' unions, employers' associations and their relationship with government. Section 79 of the Act reaffirms the right of workers to form and join unions of their choice. Section 112 of the Act establishes the National Tripartite Committee, which is made up of five representatives each of the government, employers' association and organized labor. The mandate of National Tripartite Committee under Section 113 of the Act is to determine the national daily minimum wage, to advise on employment and labor issues and to consult partners in the labor market on economic and social matters (Ghana Labor Act, 2003:42). Consequently, negotiations on the national daily minimum wage are done in an atmosphere of peace and mutual respect as opposed to the tension and anxiety which characterized such negotiations in the past. Again, Section 135 of the Act establishes the National Labor Commission, which has the mandate to among other things, facilitate the settlement of, and to settle industrial disputes (Ghana Labor Act, 2003: 50-51). It has the power of the High Court to subpoena and summon witnesses to appear before it in discharging its mandates. In Addition, in 2007, Parliament passed the Fair Wages and Salaries Commission Act 2007 (Act 737). The Act empowers the commission to ensure fair, transparent and systematic implementation of the government public service pay policy (Fair Wages and Salaries Commission Act 2007:3).

As a result of the progressive respect for freedom of association, labor unions, employers' association, business-oriented groups and other interest based groups operate freely. This has bolstered their confidence and capacity to interact with public officials and to influence public policy. For example, the TUC has been the vociferous critic of successive governments' neo-liberal economic policies and its concomitant retrenchment of public sector workers, the privatization of state-owned enterprises and the withdrawal of subsidies by government on social services. Again, the TUC, the Association of Ghana Industries and the Ghana Employers Association have consistently lobbied the Public Utilities Regulatory Commission not to grant the percentage increases in utility tariffs demanded by utility companies. Since 2007, a coalition of interest groups led by the General Agricultural Workers Union of the TUC has opposed attempts by the government to sign an Economic Partnership Agreement with the European

Union. The coalition argued that the Agreement is inimical to local businesses and farmers in particular, because it will give the European Union an unrestricted access to the local market (Thinkghana.com, 2011).

Moreover, many interest groups have lobbied Parliament to pass favorable legislation. For example, the Ghana Federation of the Disabled lobbied for the passing of the Persons With Disability Act 2006 (Act 715) to promote and protect the rights of persons with disability. Again, after eight years when it was first laid in Parliament, interest groups, psychiatric doctors and nurses agitated and the Mental Health Act 2012 (Act 846) was passed (Graphic Online, 2012). Also, despite years of intense lobbying by the people in the tobacco industry against the passing of the tobacco control bill, Parliament gave in to pressure by the Media Alliance in Tobacco Control, a coalition of civil society and interest groups, to pass the Public Health Act 2012 (Act 851). The Act consolidates much legislation such as that dealing with tobacco control measures, communicable disease prevention and control, vaccination, quarantine of persons, animals and places infected with communicable or infectious diseases, clinical trials, food and drugs administration and protection (Modern Ghana News, 2012).

However, there are many instances when interest groups were not successful in their lobbying. For instance, in 2010, the Ghana Real Estate Developers Association met the Finance Committee of Parliament to convince the committee to advise Parliament not to approve a US\$1.5 billion housing deal between the government of Ghana and STX Construction Company Limited of Korea for the construction of about 30,000 housing units for the country's security agencies. The deal was part of a US\$10 billion agreement between the government and the Korean construction company, for the building of about 200,000 affordable housing units. The Ghana Real Estate Developers Association argued that its members can execute the project at a much cheaper cost than what the Korean company had proposed. The deal was however, approved by Parliament but the minority boycotted the proceedings (Mahama, 2010, Joy News, 2010). The freedom enjoyed by interest groups in their activities is a manifestation of the progress Ghana has made in its democratic process.

4.9.2 CHALLENGES FACED BY CIVIL SOCIETY IN THE DEMOCRATIC PROCESS

Despite the fact that civil society has contributed positively to the deepening of the democratic process in Ghana, it faces several challenges (Arthur, 2010). Some civil society groups are very

independent and professional in their activities but the conduct of others creates problems for other groups. Some civil society groups are headed by politicians and some are manipulated to serve the interest of political parties. The activities of these groups create suspicion and mistrust between them and governments. For example, the Development Data, the African Centre for Energy Policy and the Centre for Freedom and Accuracy are led by known members of the NPP who served in various capacities in the Kufour administration. The mistrust and suspicion between politicians and some civil society groups are so deep that even well-intentioned policy proposals and suggestions are treated with contempt and scorn by politicians, especially when in government.

In addition, the credibility deficit suffered by civil society is exacerbated by the conduct of those who form civil society groups and pretend to be independent but are serving the interests of political parties and then move into active partisan politics once their political party wins an election. The recent examples are Dr. Clement Apaak of the Forum for Governance and Development and Dr. Mike Kpessah-Whyte of the Institute of African Studies. During the 2012 general elections, they were involved in civil society activities but immediately after the election they showed their true party colors and were appointed as presidential staffers in the NDC administration. Several examples of such incidents happened in the past. Dr. Akoto-Osei, the former Minister of State at the Ministry of Finance and Economic Planning during the NPP administration, was a former fellow of the Centre for Policy Analysis. Ordinarily, there is nothing wrong with members of civil society groups moving into active party politics or serving in government and vice versa because of the knowledge, expertise and experience of some of these individuals. Indeed, this is the normal practice in almost every developed democracy but it is a huge problem for civil society groups in a politically polarized environment in Ghana.

Furthermore, because of their mistrust for civil society groups, governments normally unleash government propagandists and communicators to verbally attack those whose policy proposals are at variance with government's policies and programs. They do this with a view to discrediting alternative policy proposals they disagree with in the eyes of the public. For example, despite the fact that the IMANI Centre for Policy and Education has had some disagreement with the NPP, especially over the promise by the NPP to introduce free senior secondary education policy during the 2012 general elections campaign, the NDC view IMANI as an appendage of the NPP..

Again, the NDC has vilified the IEA and the CDD-Ghana and accused them of serving the interests of the NPP. Before the 2012 election general elections, the NDC announced that it would not participate in programs sponsored by the CDD-Ghana and the IEA.²³ However, the NDC rescinded that decision when President Mahama assumed office in July 2012 and participated in all the IEA and the CDD-Ghana sponsored programs during the general elections.

Another challenge facing civil society groups is the low level of capacity and expertise. Though many civil society groups have attracted professionals with a wealth of experience and expertise, that is only limited to a few like the Center for Policy Analysis, the CDD-Ghana, the IEA, the IDEG, the IMANI-Ghana and the Africa Center for Energy Policy. Some civil society groups do not have any record of expertise in any particular policy which hampers their ability to foster any participatory consultation program (Arthur, 2010:216). The problem is compounded by the reliance of civil society groups on external funding from donor sources. Consequently, most of them are not able to pursue a particular program for a long term since they jump from one issue to another with the specific aim of securing external funding. Because of this, the activities of some civil society groups are characterized by a short attention span. This makes their continuous monitoring and evaluation of government policies and programs very difficult (Gyimah-Boadi and Kwasi Prempeh, 2012:101).

Another challenge facing society groups and especially interest groups is the absence of any legislation on lobbying that regulates the interaction between them and public officials. As a result, there is no consensus on what constitutes legitimate lobbying of public officials to influence public policy. In the process, interest groups, particularly powerful business interest groups use various methods which have the potential to compromise public officials and undermine the integrity of the public policy-making process. For example, in 2010, the public expressed concern when a telecommunication giant, the MTN Ghana Limited, sponsored members of the Communications Committee of Parliament to watch the 2010 FIFA World Cup in South Africa. Again, there was disquiet when a newspaper reported that the Public Accounts Committee of Parliament (PAC) had sought financial assistance from RLG Communications Limited, an ICT and Electronics Company, to sponsor its work (Citifmonline.com, 2013). Even

²³ 'NDC fights IMANI, IEA,CDD', The New Statesman, posted on citifmonline.com <http://www.citifmonline.com/mobile/index.php?id=1.523581> (December 15, 2013)

more damning was a disclosure by an MP that the RLG Foundation, an affiliate of the RLG Communications, had in a letter sent to the Clerk to Parliament offered to construct boreholes in each of the 275 constituencies in support of the developmental work of MPs. The public was outraged especially at a time when a report by the auditor-general, which had been submitted to the PAC, had indicted the company for not honoring its contract with the Ghana Youth Employment and Entrepreneurial Development Agency to train some youth in ICT and mobile phone repairs. One MP who opposed the RLG offer said that “I think it’s a strategy to compromise Members of Parliament and I therefore will not subscribe to that so called borehole drilling by RLG Foundation” (Myjoyonline.com, June 20, 2013).

In recent times, anti-corruption campaigners have intensified their calls for legislation on lobbying after a former Majority Leader in Parliament was alleged by the media to have confessed that some MPs take bribes to articulate the views of their sponsors (Ghana Broadcasting Corporation, 2014). Hon. Alban Bagbin was widely reported to have said that “the reality is that MPs are Ghanaians and there is evidence that some MPs take bribes and come to the floor and try to articulate the views of their sponsors. This is because in Ghana we have not developed what we call lobbying. There are rules; there are ethics regarding lobbying and we in Ghana think that lobbying is taking money, giving it to MPs and writing pieces for them to go articulate on the floor. That is bribery” (Vinorkor, 2014).

As far as the media is concerned, though it has done exceptionally well in safeguarding Ghana’s democratic principles by performing its role of watchdog and monitoring (Arthur, 2010: 209), it faces many challenges. These include “the close alignment of some media outlets and journalists with particular political parties and candidates and many so-called journalists lack formal training or experience and chart openly partisan course in their reportage and commentary” (Gyimah-Boadi and Kwasi Prempeh, 2012: 107). Some media organizations, especially the electronic media, encourage sensationalism and do not crosscheck the veracity of the information they report. Others deliberately allow contributors to political discussions to hide behind the anonymity of phone-in sessions to use pseudonyms to make wild allegations. These unsubstantiated allegations malign the integrity of innocent persons. Again, some media outlets refuse those who have been maligned the opportunity to react to the allegations made against them. Others refuse to do the right thing when their attention is drawn to their obvious false

reporting. There are many instances when some newspapers flagrantly refused to publish rejoinders sent by victims of false reportage. Though media organizations that engage in these kinds of irresponsible journalism can be sued and some have been sued, deliberate defamation of people does not augur well for the freedom of the media. There is the danger that the public may become discontented with the media and politicians may use this as a pretext to introduce draconian legislation to curtail media freedom.

Also, due to lack of professional training, many moderators of panel discussions lack deeper understanding of the political issues they are supposed to be moderating. They misinform their listeners because many of those who listen to the radio, especially radio stations which broadcast in local languages, are not sophisticated enough and tend to believe whatever is said on radio. Moreover, some media organizations either deliberately or without knowing, spread rumors, which have the potential to lead to violence. For example, in 2008, false reportage of a manipulation of figures in favor of the then ruling NPP by the Electoral Commission nearly brought Ghana's democratic process to the brink. Upon hearing the false reporting on radio, supporters of the NDC armed with machetes and other dangerous weapons besieged the offices of the Electoral Commission to stop the manipulation. It took the prompt action by the police to avert any clashes between the supporters of the NDC and the NPP (Gyimah-Boadi, 2009, Whitfield, 2009, Jockers et al., 2010, Abdulai and Crawford, 2010:38).

However, the media did not learn any lesson from the 2008 experience as some of them deliberately repeated false reportage during the 2012 general elections. Some radio stations falsely reported that a secret building in Dworwulu, a suburb of Accra, was being used by the Electoral Commission to intercept and manipulate election results transmitted from various constituencies in favor of the ruling NDC before they were transmitted to the headquarters of the Commission. That false news agitated supporters of the NPP who stormed the building and threatened mayhem unless the Commission stopped the manipulation. It took the swift deployment of security personnel and the intervention by former president of Nigeria and head of the ECOWAS observer mission, Olusegun Obasanjo, as well as some officials of the NPP to disperse the agitated crowd. That was after the observer mission and the NPP officials had

convinced them that there was no such activities taking place in the building.²⁴ Such false reportage has the potential to lead to violence which can hinder Ghana's democratic progress.

Finally, the most serious challenge to media freedom in Ghana is the unprovoked physical assault on media personnel in the course of their duty by supporters of political parties. During the election campaign, party supporters who felt aggrieved by the work of some media personnel assaulted them. These assaults were encouraged by political leaders whose comments sometimes justified and rationalized such barbaric actions. For example, when Joy FM predicted the election for President Mahama based on its provisional results, some leaders of the NPP accused it of bias in favor of the NDC. Subsequently, angry supporters of the party assaulted journalists of the radio station.²⁵ That was in spite of the fact that during the 2004 presidential election, Joy FM predicted a win for former President Kufour. Although it was refreshing that the NPP officially apologized to Joy FM after it was severely criticized and condemned by civil society groups, such assaults have the potential to derail Ghana's democratic process.

4.9.3 Conclusion

A vibrant and an active civil society is a fundamental prerequisite of a well-functioning democratic state (Linz and Stepan, 1996). This is because of the important role it plays in advancing a country's democratic process. Civil society groups have been part of Ghana's democratic process since the transition to democracy. They have contributed effectively to enriching political discussion and in improving the quality of governance. They have monitored elections and participated effectively in governance and have helped in making Ghana's electoral process one of the most transparent in SSA.

Civil society groups have improved the quality of governance in Ghana by holding public officials accountable. They have improved the administrative capacity of state institutions to deliver their mandates to the people by organizing workshops and sponsoring staff to undertake refresher courses. To this end, civil society groups have helped Ghana to advance its democratic

²⁴ 'NPP Supporters besieged building at Dzorwulu', GNA, December 8, 2012, posted on [graphic.com.gh](http://graphic.com.gh/archive/General-News/npp-supporters-besiege-building-at-dzorwulu.html) (December 15, 2013)

²⁵ 'Joy News journalists attacked by NPP supporters,' Myjoyonline.com/Nathan Gadugah, December 10, 2012, posted on myjoyonline.com <http://edition.myjoyonline.com/pages/news/201212/98494.php> (December 2, 2013)

process and facilitated the country's quest for democratic consolidation. At the same time, there are challenges that hamper civil society group's ability to make meaningful contribution to the democratic process. These include serving the interest of political parties especially, ruling parties, and other sectional interests, lack of accountability and transparency in their activities, lack of expertise and experience and the irresponsibility and unethical conduct of some media organizations. Unless these challenges are addressed the role of civil society in Ghana's democratic consolidation process will be limited. The measures to address the challenges faced by civil society groups will be discussed in chapter four.

The next section examines whether the recommendations of the 2010 Constitution Review Commission when implemented would address the challenges to Ghana's democratic process identified in this thesis.

SECTION FOUR

THE 2010 CONSTITUTION REVIEW COMMISSION

On January 11, 2010, the late President Atta-Mills inaugurated a Constitution Review Commission (CRC) with the following mandate:

- To ascertain from the people of Ghana, their views on the operations of the 1992 Fourth Republican Constitution and in particular, the strengths and weaknesses of the Constitution;
- To articulate the concerns of the people on amendments that may be required for a comprehensive review of the 1992 Constitution; and
- To make recommendations to the government for consideration and provide a draft bill for possible amendments to the Constitution (The White Paper on the CRC Report, 2012:2)

The CRC held consultative public fora across the country, met with Ghanaians abroad and presented its final report on December 20, 2011. The government issued a white paper on the

report on June 15, 2012 and accepted most of the recommendations. On October 2, 2012, government inaugurated a five-member Constitution Implementation Committee (CIC) to oversee the implementation of the recommendations by the CRC (Ghana News Agency, October 2, 2012).

The following section discusses a number of its recommendations which are relevant for this thesis and its implications for the democratic process in Ghana.

The Executive

- On the president's powers of appointment, the CRC observes that this is an important feature of an Executive Presidency and in line with international best practices. It, however, finds that because many presidential appointees function as extensions of the appointing authority, they are unable to gain the autonomy and independence of thought and action that can make them effective and impartial public officers. The CRC, therefore, finds that appointments by the president may be improved when it is subjected to a wider scrutiny than what pertains currently (The Constitution Review Commission Report, 2011:109).
- In this regard, the CRC recommends that the president's general powers of appointment should be maintained. However, it recommends that the appointments of heads and members of Independent bodies such as the Auditor-General, the Chairman and members of the National Commission for Civic Education, the Commissioner and Deputy Commissioners of the CHRAJ and the Electoral Commission, the Government Statistician, and the Governor of the Bank of Ghana, as well as the Administrator of the District Assembly Common Fund should be subjected to parliamentary approval.
- Again, the CRC recommends that for the orderly transition of government, certain appointees should be classified as political appointees whose tenure should end with that of the president. These include those who hold office under the Presidential Office Act 1993 (Act 463), the Directors-General of the Ghana Immigration Service and the Ghana Prison Service, the Chief Fire Officer, the National Security Coordinator, the Chief of Defense Staff and the Service Commanders of the Army, the Navy, and the Air Force, as well as non-career Ambassadors and High Commissioners. In addition, it recommends

that as far as non-political appointees are concerned, the governing councils of these public bodies should recommend persons to the president for appointment. Such recommendations should be accepted by the president (The Constitution Review Commission Report, 2011:111).

- The government in its White Paper accepted the recommendation for the heads of the ICBs to be approved by Parliament (The White Paper on the Report of the CRC, 2012:11). It also accepted the recommendation for the governing councils of public bodies to nominate persons to the president for appointment but it was silent on whether or not such recommendations should be binding on the president (The White Paper on the Report of the CRC, 2012:13). The lack of clarity on this in the White Paper means that the Executive has created loopholes to manipulate the appointments process.
- The government, however, rejected the recommendation for certain appointees to be classified as political. The government was of the view that such arrangement would rather disrupt the orderly transition of government, especially in the case of Service Commanders of the security agencies (The White Paper on the Report of the CRC, 2012:12). Therefore, the excessive powers of appointment of the president to appoint all senior positions in the public sector have not been addressed. This means the president's extensive control over political patronage which enables him to manipulate other state institutions remains intact.

Parliament

- The CRC observes that the relative weakness of Parliament is deepened by the feature of the 1992 Constitution which gives so much power to the Executive. It notes that Parliament does not have any real financial power as its budget is subject to item-by-item control by the Ministry of Finance and Economic Planning. Parliament has to appear before the Executive from time to time to request funds. The CRC further finds that the provision of Article 108 which prevents Parliament from "proceeding with a bill, including an amendment to a bill, the purpose or effect of which is to raise or increase taxes or which requires expenditure on the part of the state, unless the bill is one initiated by or on behalf of the President, virtually makes the President the real holder of the

power of the public purse in Ghana" (The Constitution Review Commission Report, 2011:137).

- Again, the CRC notes that Article 78 of the Constitution which allows the president to appoint the majority of ministers of state from among MPs makes Parliament less effective. It acknowledges the argument that "members of Parliament are constantly beholden to the President for ministerial appointments, instead of putting their energies to working for the advancement of Parliament as an institution"(The Constitution Review Commission Report, 2011:137).
- As a result of these observations, the CRC recommends that "the current limitation on the introduction of bills with financial implication by private members should be maintained but limited to "money bills", which terminology should clearly be defined in the Constitution or other law" (The Constitution Review Commission Report, 2011:148). This recommendation was accepted by government (The White Paper on the CRC Report, 2012:16). When implemented, the recommendation would reduce the Executive's control over the legislative process as it would empower MPs who are not ministers of state to sponsor bills on most issues they feel strongly about.
- Despite overwhelming support for the change of the current semi-presidential system of government during the consultative process, the CRC, nevertheless, recommends that when it comes to the appointment of ministers of state, the president should be allowed to appoint from within and without Parliament (The Constitution Review Commission Report, 2011:143). The implication is that the current system which has been abused by successive presidents to weaken Parliament has not been addressed by the CRC. This is because once the president is given a free hand, the temptation to appoint a majority of ministers of state from among MPs still exists and would be exploited by any president who desires to control Parliament.
- Finally, the CRC recommends that where a minister of state has been censured by Parliament, it shall no longer be discretionary but mandatory for the president to remove the minister from office. This recommendation, when implemented would strengthen parliamentary oversight over the Executive, as ministers of state would be diligent in responding to summons by Parliament.

The Judiciary

- The CRC acknowledges the critical role of the Judiciary in Ghana's democracy and the current constitutional provisions which are supposed to guarantee its independence. Most of the submissions it received had to do with concerns over delays in the administration of justice, corruption in the Judiciary, the procedure for appointments, removal and tenure of the chief justice and other justices of the Superior Courts. Apart from a few areas, the CRC recommends that the status-quo be maintained because it is of the view that it provides sufficient protection for the independence of the Judiciary.
- On the allegations of corruption in the judiciary, the CRC notes that there is currently enough legislation which deals with public sector corruption including corruption of judicial officers. At the constitutional level, the CRC recommends that the Judicial Council be strengthened to enable it to play an effective role in curbing judicial corruption and improving justice delivery in Ghana (The Constitution Review Commission Report, 2011:210). The government accepted this recommendation (The White Paper on the CRC Report, 2012: 18). At the administrative level, the CRC recommends measures such as ensuring that cases of allegations of corruption not be unduly delayed or abandoned and recommends the annual publication of judicial misconduct investigated and/or prosecuted successfully (The Constitution Review Commission Report, 2011:211). This recommendation, when implemented would enhance the credibility of the Judiciary and increase the trust and confidence of the citizens in the judicial process.
- On the composition of the Supreme Court, the CRC recommends that Article 128 (1) be amended to provide for a maximum of fifteen Justices (The Constitution Review Commission Report, 2011:224). If the CRC had recommended that this provision be entrenched, it would have prevented any president from court packing to secure favorable judgments. However, the recommendation that the provision should remain non-entrenched to enable Parliament by a 2/3 majority to amend the Constitution to increase the number potentially makes court packing possible.
- On the procedure for the removal of a justice of the Supreme Court from office, the current provision requires the president, upon receiving a petition, to refer it to the chief

justice to determine whether there is a *prima facie* case. The chief justice is mandated to set up a committee after a *prima facie* case has been established (Constitution of the Republic of Ghana, 1992, Article 299). The CRC recommends that in determining whether there is a *prima facie* case, the chief justice should do so in consultation with the Council of State (The Constitution Review Commission Report, 2011:246). This recommendation was rejected by the government because it was of the view that "the chief justice as the most senior judge is quite capable of determining if a *prima facie* case has been made out" (The White Paper on the CRC Report, 2012:19).

- As far as the procedure for the removal of the chief justice is concerned, the current provision does not require the establishment of a *prima facie* case upon a receipt of a petition by the president. Therefore, the procedure for the removal of a chief justice is relatively easier than that of any other justice of the Supreme Court. Though it has been argued that the procedure for the removal of other justices of the Supreme Court should be applicable to the chief justice because the chief justice is invariably a justice of the Supreme Court, the CRC thought otherwise. It recommends that the constitution should be amended to explicitly require that a *prima facie* case be established before the beginning of any proceedings for the removal of the chief justice (The Constitution Review Commission Report, 2011:154). The recommendation was accepted by the government (The White Paper on the CRC Report, 2012:20). These two recommendations when implemented would further protect the Judiciary from interference by any other state institution.

The Electoral Commission

- The CRC did not make any recommendations for constitutional amendments. Rather, it proposes some legislative and administrative recommendations for the consideration of Parliament and the Electoral Commission. For example, the CRC recommends that the Commission should be empowered to investigate incidents of electoral violence and electoral offences within the shortest possible period (The Constitution Review Commission Report, 2011:373). This recommendation, when implemented may help stem the tide of intimidation and harassment and the organized thuggery perpetrated by the supporters of the NDC and the NPP in their respective strongholds during elections.

- The CRC recommends that the Political Parties Act 2000 (Act 574) should be amended to include the Inter-Party Advisory Committee (IPAC) mechanisms for self regulation of political parties. The implementation of this recommendation would give a legal backing to the IPAC. Administratively, the CRC recommends that the IPAC should develop formal rules to regulate its activities, including a robust timetable of meetings (The Constitution Review Commission Report, 2012:374). The government said it has taken notice of the recommendations and asked the Commission and Parliament to work towards implementing them (The White Paper on the CRC Report, 2012:29).

The Commission on Human Rights and Administrative Justice (CHRAJ)

- The CRC recommends that the appointments of the commissioner and deputy commissioners for the CHRAJ by the president in consultation with the Council of State should be maintained but they should be done with the prior approval by Parliament. If implemented, this recommendation would broaden the consultative process before the appointments are made. Further, Parliament would have an opportunity to publicly scrutinize nominees to determine whether they are competent to function in these sensitive positions. Again, the CRC recommends that the CHRAJ should be empowered to initiate investigations without a formal complaint in all aspects of its mandates and that its decisions should be directly enforceable by the Courts. The implementation of these recommendations would allow the CHRAJ to effectively discharge its mandates, especially its anti-corruption mandate. The lack of these powers severely hampers the ability of CHRAJ to investigate many allegations of corruption and prosecute those it finds guilty as happened in the case of Dr. Richard Anane, involving the abuse of office and conflict of interest.
- Finally, the recommendation for the establishment of an Independent Constitutional Bodies (ICBs) Fund to finance the operations of bodies such as the Electoral Commission and the CHRAJ may solve the financial problems which hinder their effective functioning. However, with other statutory funds such the Ghana Education Trust Fund and the National Health Insurance Fund in arrears because of the refusal by the Executive

to make payments that are overdue, the ICBs Fund when established may not solve the financial predicaments of the independent bodies.

Politics and Polarization

- One issue that came up strongly for consideration by the CRC during the consultative process was the problem of political polarization and the over-politicization of matters which are of national importance and which require national consensus. The CRC received many submissions which their proponents thought would deal with the problem. Some of these include the demarcation of a specific period for political campaigning instead of the current situation where campaigning starts right after general elections. Others proposed the review of the "winner take all system", the return of the one-party state, the abolition of political parties, the state funding of political parties and changes to the current semi-presidential system to a parliamentary system of government (The Constitution Review Commission Report, 2011: 769-771).
- The CRC notes that the political environment in Ghana is no more polarized than it is in other countries, especially in SSA, as the country is considered much more relaxed and politically mature than many of its counterparts and even many developed democracies. According to the CRC, political polarization in Ghana is lower than it is in the United States, United Kingdom, Germany, France and even Canada. It therefore notes that, though political polarization may not be comfortable to live with, it is part of the democratic process and should be tolerated as long as it does not degenerate into hate campaigns that result in actual violence (The Constitution Review Commission Report, 2011:772). However, the analysis in this thesis does not completely agree with the observations by the CRC. Though political polarization has not degenerated into widespread violence, it is nevertheless very deep and high, especially before general elections. In some instances, it has led to the outbreak of violence in some parts of the country and many analysts have expressed deep concerns over the negative consequences of political polarization and its effects on Ghana's development (CODEO, 2012; Akosa, 2014)

- This thesis, therefore, welcomes the recommendation by the CRC that the Directive Principles of State Policy enshrined in chapter six of the 1992 Constitution be amended to make provision that enjoins the government to take measures to address the rising tendencies of polarization of every aspect of national life and ethnicity within the country. Again, this study agrees with the recommendations by the CRC that the National Commission for Civic Education and the media educate Ghanaians to be tolerant of opposing views, for the media to adopt rules and ethics for political discussion and for the Political Parties Code of Ethics to be given legal backing to regulate the conduct of political parties and party officials between elections (The Constitution Review Commission Report, 2011:773).

Some of the recommendations made by the CRC for the amendments to the Constitution are in the right direction and would go a long way to facilitate Ghana's democratic process. However, there are shortcomings in other recommendations as discussed above. This thesis will make its recommendations in the final chapter by taking into consideration the gaps in the recommendations by the CRC.

CHAPTER FIVE

CONCLUSION

In the early 1990s, many Sub-Saharan African (SSA) countries attempted to embrace re-democratization. There was great optimism that these new democracies would learn from their own experiences and eventually become consolidated democracies. However, notwithstanding the claims by Lindberg (2006) that there is an inherent value in the holding of elections, as they serve as the midwife to democracy, not all SSA countries have made progress in this regard despite holding a series of elections (Bogaards, 2013). As a result, two divergent trends in re-democratization have emerged on the continent (Opalo, 2012). Some countries have made significant progress but others have experienced severe setbacks resulting from the manipulation of elections by autocratic leaders and by military interventions.

Ghana is one of the few SSA countries that has benefited from the cumulative effect of elections over time (Bogaards, 2013). It has organized six successful elections and it is held to be the shining star of a successful democracy among SSA countries. As a result of this, scholars became interested in the extent to which Ghana's democracy has consolidated. Consequently, these scholars have analyzed every general election since 1996.

Focusing on the July 2012 presidential succession following the death of President Atta-Mills and the December 2012 presidential and parliamentary elections, this study has analyzed Ghana's democratic consolidation process by examining the role of state institutions such as the Executive, Parliament, the Judiciary, the Electoral Commission and the Commission on Human Rights and Administrative Justice (CHRAJ), as well as the institutionalization of the political parties and the de facto two-party system, and the role of civil society and interest groups. The analysis reveals that these state institutions, the political parties and two-party system as well as civil society and interest groups, have contributed towards Ghana's democratic consolidation process. Specifically, the thesis demonstrates that:

First, in 2000 and 2008, no attempts were made by Presidents Rawlings and Kufour to manipulate the Constitution to extend their stay in office when their two-term limit expired. It also demonstrates that during the July 2012 presidential succession, the government upheld the Constitution and organized the smoothest presidential succession in Africa in recent years. The

vice-president, John Dramani Mahama, was sworn into office as the president hours after the death of President Evans Atta-Mills.

Second, Parliament has to some extent advanced Ghana's democratic process by performing some oversight over the Executive. Since 1997, debates on the government's budget statements and economic policies, as well as on international agreements and commercial transactions such as loans, have been very vibrant on the floor of Parliament. Again, Parliament has exercised some oversight over the Executive through the approval or disapproval of nominations of ministers and deputy ministers of state, and nominations of chief justices and other justices of the Supreme Court. It has promoted horizontal accountability by inviting ministers of state to answer urgent questions on important national issues. Through its standing committees, Parliament has influenced public policies and enacted legislation in sectors such as health, education, mining and the environment. The Public Accounts Committee has summoned ministers of state and public officials to answer questions over alleged financial misappropriation and embezzlement that occurred in their ministries, departments, agencies and other public bodies and organizations.

Third, the Judiciary has been independent and impartial in the administration of justice. It has handled politically sensitive cases expeditiously. In the run-up to the December 2012 presidential and parliamentary elections, all cases brought against the Electoral Commission on the re-demarcation of the electoral constituencies were heard by the Judiciary without delay. Moreover, the presidential election petition jointly filed by the presidential and vice-presidential candidates and the national chairman of the opposition NPP was handled very well by the Supreme Court. Significantly, for the first time in the history of Ghana, the hearing by the Supreme Court was telecast live by both the state-owned and by the private media organizations.

Fourth, the Electoral Commission has done relatively very well in that its administration and conduct of elections have been transparent. It has worked with the political parties in the context of the IPAC to initiate many electoral reforms since 1996. Electoral reforms such as the representation of the parties by agents at the polling stations, at the collation centers and at the headquarters of the Commission during compilations of election results have enhanced the transparency of the electoral process. With the introduction of the biometric verification

registration machines during the elections, the Commission detected and eliminated about 8000 instances of multiple registrations, thus enhancing the integrity of the voters' register.

Fifth, the CHRAJ has been at the forefront of human rights education, promotion and protection. It has discharged its anti-corruption and ombudsman mandates. It has investigated allegations of corruption and conflict of interest on the part of high profile politicians such as Paul Victor Obeng, Dr. Ibrahim Adam, Colonel (rtd) E. M. Owusu, Dr. Richard Anane and President Kufour. Also, it has investigated public officials such as Samuel Appiah-Ampofo and Thomas Aboagye. Those against whom adverse findings were made have resigned or were made to resign. In addition, it has worked with civil society groups to draw up the National Anti-Corruption Plan. During the general elections, it educated the electorate on their right to vote as part of its human rights education campaign. Finally, it monitored the elections and issued a report on the conduct of the elections.

Sixth, because of the institutionalization of the political parties and the de facto two-party system, the political parties, the NDC and the NPP, are able to perform their functions such as political recruitment, political socialization (political communication and education), interest articulation and interest aggregation. As a result, many people are able to participate in politics, thereby enhancing the legitimacy of the political process. Also, the de facto two-party system has been reinforced because the NPP and the NDC rally around two political traditions, the Danquah/Busia and the Nkrumahist, respectively. The NDC and the NPP are the two dominant parties and together they have won more than 90 percent of the votes during general elections since 1992. Moreover, the institutionalization of the two-party system has contributed to the stability in electoral competition and to certainty as well as predictability in governance. This is because the two political parties accord legitimacy to the electoral process and consider elections to be the legitimate means of accessing political power.

Finally, civil society groups are vibrant and have contributed to the democratic process. Their role in election monitoring has enhanced the credibility and transparency of the electoral process. They have contributed to make Ghana's electoral process one of the most transparent in Africa. They have contributed to enhancing good governance by building the capacity of state institutions and by holding them accountable through the judicial process. Again, the safeguards

in the 1992 Constitution have bolstered the confidence of interest-based groups such as the General Agricultural Workers Union, the Ghana Medical Association, the Trade Union Congress and business oriented-groups, both local and multinational, such as the Ghana Employers Association, the Association of Ghana Industries, the Ghana Chamber of Telecommunications, and the Ghana Chamber of Mines. These groups operate freely and serve as mediums for representing, championing and defending the values and interests of their members and influencing public policies.

In many ways, the July 2012 smooth presidential succession, and the graceful reaction of the political parties to the final verdict by the Supreme Court on the presidential election petition make Ghana a successful democracy in SSA. However, despite these successes, this thesis argues that Ghana's democratic consolidation process still faces many challenges and constraints which need to be addressed. These include:

First, an imperial presidency which undermines the effective functioning of other state institutions and this is the result of a flawed Constitution which gives disproportionate power to the Executive. As a result, Parliament, the Judiciary, the Electoral Commission and the CHRAJ face serious challenges in the performance of their functions. For example, the hybrid or semi-presidential system has impeded the ability of Parliament to exercise effective and complete oversight over the Executive. This is because MPs rely on the Executive for favors including the prospect of appointment as ministers and deputy ministers of state, as well as appointment to public boards and corporations. Moreover, because bills with financial implications can only be introduced in Parliament by, or on behalf of the president as per Article 108 of the Constitution, the president has control over the legislative agenda. Parliament can only debate but cannot amend the budget statement and economic policy of the government. It must either approve or disapprove them entirely.

Second, the excessive nature of the appointment powers of the president has the potential to weaken the independence of the Judiciary. The Constitution empowers the president to appoint the chief justice and other justices of the Supreme Court on the recommendation by the Judicial Council, in consultation with the Council of State and with the prior approval by Parliament. However, some of the members of the Judicial Council and the majority of the Council of State

are appointed by the president. Again, the president uses the appointment powers to co-opt justices of the Supreme Courts by appointing them to public boards, which may undermine the independence of the Judiciary. In addition, the Judiciary faces the challenge of unsubstantiated allegations of bias by politicians in an attempt to cast doubt in the minds of the public about its independence. Also, there is the public perception of corruption in the Judiciary which is fuelled by unscrupulous staff of the judicial service who demand bribes from litigants with the promise to forward them to judges.

Third, despite the institutionalization of the two political parties and two-party system, the desire "to win at all costs" and the "winner-take-all" system have polarized the political environment and made it difficult for the NDC and the NPP to cooperate and reach consensus on most important national issues such as crime and unemployment. There is little space for dispassionate discussion of issues and political contestation between the two parties is a "do-or-die" affair. As a result, the political parties adopt various measures in order to win elections. These include intimidation and harassment and the use of violence against political opponents and electoral officials which undermine the integrity and transparency of the electoral process.

Fourth, civil society groups face many challenges which hamper their ability to contribute to the democratic process. These include manipulation and co-optation by political parties and other sectional interests, lack of accountability and transparency in their activities, lack of expertise and experience of most civil society groups and the irresponsibility and unethical conduct of some media organizations. Again, because of the absence of any legislation to regulate the interaction among policy makers and interest-based groups, it is difficult to distinguish between genuine lobbying to influence public policy and bribery.

These challenges have the potential to undermine Ghana's democratic process. In this respect, there are many features in the functioning of state institutions and in the operation of the political parties and the two-party system, as well as civil society and interest groups which need refinement in order to maintain Ghana's efforts towards achieving democratic consolidation.

In the light of the findings by this thesis and the shortcomings in the recommendations by the CRC, this thesis makes the following recommendations:

First, the government must by initiating the constitutional amendments process implement the recommendations made by the CRC which are aimed at strengthening other state institutions and bodies to protect them from manipulation by the Executive. Again, the Judiciary, Parliament, the Electoral Commission and the CHRAJ must implement the specific administrative recommendations by the CRC which are aimed at strengthening their respective institutions and bodies.

Second, instead of the current hybrid or semi-presidential system of government which allows the president to appoint the majority of ministers of state from among MPs and the recommendation by the CRC for the president to be given a free hand in the appointment, the Constitution must be further amended to provide for a strict separation of power between the three branches of government. MPs who become ministers of state must automatically lose their seats. This would ensure that MPs, especially ruling party MPs, concentrate on their primary functions instead of using Parliament as a stepping stone to lobby for appointments by the Executive. Again, apart from the situation where Parliament or the Judiciary is constitutionally required to have representatives on public boards or corporations, MPs and members of the Judiciary, especially Justices of the Supreme Courts, should be prevented by the Constitution from accepting any other appointment that would compromise their independence and make them beholden to the Executive. This would strengthen parliamentary oversight and insulate the Judiciary from any potential influence by the Executive.

Third, there is the need for civil society groups and stakeholders interested in good governance to put pressure on the government to accept the recommendation by the CRC that sought to limit the president's powers of appointment to only political appointments whose tenure must terminate with that of the president. As already discussed, the appointment by the president of all senior positions in the public sector encourages political patronage. Therefore, one of the surest ways of curbing the patronage-driven politics which has characterized Ghana's politics since the inception of the Fourth Republic is limiting the president's powers of appointment. In this regard, the Constitution should be amended to empower Parliament to appoint members of the Public Services Commission in a bi-partisan manner by consensus. The Commission must be mandated and strengthened to handle other public sector appointments devoid of political party patronage. This would protect public officials who are not political appointees from interference by the

Executive. Also, limiting the use of political patronage by the president would lower the tension and anxiety which have characterized Ghana's elections since 1992.

Fourth, the political parties must strengthen internal democratic practices in their operation as required by the Constitution. As the only institution mandated to conduct and supervise all public elections, the Electoral Commission must refuse to supervise the internal elections and primaries of any political party whose activities contravene the Constitution. This would be an effective remedy because national officers of the political parties cannot function unless their elections are supervised by the Commission. Moreover, presidential and parliamentary candidates whose primaries are not supervised by the Commission are not eligible to run in general elections. Again, during general elections the Commission must enforce the Political Parties Code of Conduct to compel the parties to genuinely commit themselves to protect the integrity of the country's electoral process. In this regard, the Commission must investigate allegations of harassment and intimidation of electoral officials and the use of violence against political opponents by the political parties in their strongholds. Also, just as the Commission ordered a new election in the Tain constituency in the 2008 presidential run-off (Whitfield, 2009:625) and at four polling stations in the Akwatia constituency in the 2008 parliamentary election, it must be consistent and order a new election if any election result is tainted with electoral fraud. In addition, persons responsible for electoral fraud and malpractices must be compelled by a court order to reimburse the EC for the cost of any new election. Moreover, where the security agencies fail to deal decisively and firmly with persons who engage in any act which compromises the integrity and transparency of the electoral process, the victimised party should go to court to compel them to act.

Fifth, in addition to the recommendation by the CRC for the IPAC to be given legal backing, its membership which is currently made up of the representatives of all registered political parties and the Electoral Commission should be expanded to include civil society groups such as the CODEO. This would enable civil society groups to be more proactive and effective in contributing to the transparency of the electoral process. However, the IPAC should remain an advisory body in order not to undermine the independence of the Commission.

Sixth, civil society groups which profess to be independent of any political party or political ideology must operate as such. They must not allow themselves to be co-opted or manipulated to serve the interest of any political party. If civil society groups are to be effective in improving good governance and accountability on the part of state institutions and bodies, then they must also be transparent and accountable in their activities. In this regard, civil society groups must disclose their sources of funds. The situation where their operation is shrouded in secrecy does not augur well for their own reputation as this only deepens the suspicion between them and public officials.

Seventh, civil society groups can contribute meaningfully to political discourse and influence public policies effectively if they pool their resources. Civil society groups have successfully done so in election monitoring through the CODEO. They have influenced oil legislation through the Oil and Gas Platform, a coalition of civil society groups interested in the oil sector. Where civil society groups with the same interests operate in a fragmented manner, with a relatively short attention span over many issues, their effectiveness is compromised. Working in a collaborative manner would strengthen their capacity in terms of financial resources and expertise and thereby expand their role in influencing public policy. Again, the Executive, Parliament and interest groups should fashion legislation to regulate the interaction among public policy-makers, on the one hand and interest-based and civil society groups, on the other. The legislation should clarify the activities that constitute genuine lobbying to influence public policy and those which are not. This would help sanitize and enhance the integrity of the public policy-making process.

Finally, the media must be responsible in their reporting and let their code of conduct and ethics guide its activities. Media owners must engage qualified personnel and train them so they have a deeper understanding and appreciation of the issues they discuss and the wider implications of their actions. It is incumbent on the media to be very circumspect in their reporting and they must ascertain and crosscheck the veracity of any information before it is reported. More importantly, the media must commit itself "to the dissemination of fair, balanced, objective and accurate coverage of issues, as well as offering equal opportunities and allowing divergent views to be expressed as the country debates the choices central to the quest for democratic consolidation" (Arthur, 2010, 220).

Concluding Remarks

The aim of this thesis is to examine the progress made by Ghana in its democratic consolidation process after the July 2012 smooth presidential succession and the December 2012 presidential and parliamentary elections by assessing the role of state institutions, the institutionalization of the political parties and the de facto two-party system, as well as civil society and interest groups. The analysis in this thesis demonstrates that Ghana has made progress in its democratic process and it is a success story in SSA. However, the analysis also demonstrates that despite the successes, Ghana has a long way to go before it can attain democratic consolidation. As the analysis indicates, there are challenges and constraints regarding the Executive dominance of other state institutions and bodies such as Parliament, the Judiciary, the Electoral Commission and the CHRAJ which hampers their effective functioning. Again, the de facto two-party system and the competitive nature of elections since 2000 have led to a high level of political polarization and mistrust between the NDC and the NPP. Moreover, "the winner take all nature" of the Ghanaian political system provides the winner of elections with extensive financial and political patronage. Finally, challenges to democratic consolidation in Ghana relate to manipulation and co-optation of civil society groups by political parties, lack of expertise of many civil society groups, lack of legislation to regulate lobbying of public officials by interest groups and the unprofessionalism of some media organizations.

In summary, the analysis demonstrates that state institutions, the institutionalization of the political parties and two-party system as well as the civil society and interest groups have contributed to Ghana's democratic process. However, Ghana has a long way to go in its quest to attain democratic consolidation because of the challenges discussed above. Although the recommendations proposed by this thesis are by no means comprehensive, due consideration to such proposals can help sustain and improve the progress made by Ghana in the democratic consolidation process.

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